



AGRICULTURAL RESEARCH INSTITUTE'

PUSA

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Wednesday, March 24, 1926.

THE Council met in the Council Chamber, Lucknow, at 11 a.m.
Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT :

(67)

Hon'ble Sir Samuel O'Donnell.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Hon'ble Rai Rajeshwar Bali.
Hon'ble Thakur Rajendra Singh.
Hon'ble Nawab Muhammad Yusuf.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. B. D'O. Darkey.
Mr. H. A. Lane.
Mr. K. G. Harper.
Mr. R. Burn.
Mr. A. W. Pim.
Mr. B. J. K. Hallows.
Mr. C. M. King.
Mr. H. G. Billson.
Mr. R. J. S. Dodd.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Raja Muhammad H'jaz Rasul Khan.
Raja Bahadur Brij Narayan Rai.
Mr. H. C. Desanges.
Mr. H. David.
Babu Khem Chand.
Babu Kishan Lal.
Babu Jai Narayan Chaudhri.
Rai Sahib Lala Jagdish Prasad.
Chaudhri Jaswant Singh.
Rai Sahib Chaudhri Sheoraj Singh.
Pandit Nanak Chand.
Lala Babu Lal.
Rai Bahadur Babu Ram Nath Bhargava.
Rai Sahib Munshi Amba Prasad.

Rai Bahadur Pandit Kharagjit Misra.
Rao Sahib Kunwar Sardar Singh.
Pandit Brijnandan Prasad Misra.
Lieut. Raja Durga Narayan Singh.
Raja Narayan Pratap Singh.
Raja Sri Krishna Dutt Dube.
Rai Sahib Babu Dip Narayan Roy.
Rai Bahadur Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.
Raja Shanker Sahai.
Rai Bahadur Thakur Mashal Singh.
Kunwar Surendra Pratap Sahi.
Mr. Muhammad Aslam Saifi.
Rao Sahib Abdul Hameed Khan.
Lieut. Nawab Jamshed Ali Khan.
Mr. Muhammad Ismail Ali Khan.
Maulvi Muhammad Obaid-ur-Rahman Khan.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Shaikh Masud-uz-Zaman.
Saiyid Muhammad Ashiq Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Bahadur Hakim Mahbub Ali Khan.
Khan Bahadur Mr. Ashiq Husain Mirza.
Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Mr. St. George H. S. Jackson.
Lala Behari Lal.
Rai Bahadur Lala Mathura Prasad Mehrotra.
Raja Shambhu Dayal.
Lieut. Raja Shaikh Imtiaz Rasu Khan.
Raja Jagannath Bakhsh Singh.
Rai Bahadur Babu Vikramajit Singh.
Dr. Ganesh Prasad.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

* 1 to * 5. **Khan Bahadur Mr. Ashiq Husain Mirza** : [Transferred to the agenda of April 7, 1926.]

* 6. **Rai Sahib Lala Jagdish Prasad** : [Transferred to the agenda of April 7, 1926.]

DIVISIONAL SUPERINTENDENTS.

* 7. **Lieut. Raja Durga Narayan Singh** : Will the Government be pleased to state how many new appointments carrying a salary of Rs. 100

upwards have been made in the Industries department since the retrenchment of the posts of the divisional superintendents?

Hon'ble Thakur Rajendra Singh : Seven.

* 8. **Lieut. Raja Durga Narayan Singh :** Will the Government be pleased to lay on the table a statement showing separately the number of Hindus and Muhammadans so appointed (if any) with their respective qualifications, present salary and position?

Hon'ble Thakur Rajendra Singh : A statement is laid on the honourable member's table.

(See Appendix A, page 57.)

* 9. **Lieut. Raja Durga Narayan Singh :** Is it a fact that these posts, if any, were never offered to the retrenched divisional superintendents?

Hon'ble Thakur Rajendra Singh : The statement is correct. The posts require technical qualifications which the divisional superintendents do not possess.

Lieut. Raja Durga Narayan Singh : Why were these posts offered to non-technical men?

Hon'ble Thakur Rajendra Singh : I am not aware.

UNSTARRED QUESTIONS.

TOWN AREA, BASTI.

1. **Bhaya Hanumat Prasad Singh :** Will the Government be pleased to lay on the table a statement showing the area, annual income, and population of the Basti town area according to the census of 1921?

Does the Government contemplate to turn the above town area into a notified area?

If so, by what time it is expected?

Mr. G. B. F. Muir : Inquiry has been made and a reply will be given later.

DAMAGES BY FLOOD IN RAPTI RIVER AT BASTI.

2. **Bhaya Hanumat Prasad Singh :** Is the Government aware of the damages done to the agriculturists in the Basti district owing to the flood in the Rapti river during last August and September?

If so, what steps were taken to alleviate their suffering?

Mr. H. A. Lane : Yes: *tagavi* was distributed to an amount required to relieve the distress.

BUDGET, 1926-27.

DISCUSSION OF DEMANDS FOR GRANTS.

Demand No. 24.

HEAD—26—POLICE.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I beg to communicate to the Council the recommendation of His Excellency the Governor that a sum of Rs. 1,51,60,406 be provided under the head "26—Police" and I move that the said amount be voted. In intro-

ducing the police budget I am asking the House to take into consideration the requirements of a department which has often been misunderstood by those whom it serves. By saying this I do not mean to assert that the department is free from shortcomings and that, if it is unpopular, the unpopularity is not due to some extent to the mistakes and errors committed by the officers and men of the rank and file of the department; nor do I mean to make any reflection on the criticisms levelled against the department on the floor of this House. On the contrary, I maintain that there is a great deal of leeway to be made up. As to the criticisms of the honourable members it is my conviction that the interpellations and wholesome criticisms in the House are responsible for many changes and improvements in the department. I for one am as much thankful for the friendly criticisms as I am grateful for the support that I have received at the hands of the members of this House. Now I wish to submit to the House a comparative statement showing the expenditure per head under police in different provinces, which, I hope, will be of interest to honourable members. The figures per head are—

						As. p.
In Bombay	..	..	..	..	..	8 11
" Punjab	..	..	..	..	..	7 5
" Central Provinces	..	..	..	..	..	5 10
" Bengal	..	..	..	..	..	4 7
" the United Provinces	..	..	..	..	..	4 6
" Bihar and Orissa	..	..	..	..	..	3 5

It will be seen that, as far as the major provinces are concerned, we are spending less than others.

I will now come to the activities of the Police department. Honourable members, I am sure, will be interested to see a comparative list of convictions in dacoity cases in different provinces. The figures of convictions are—

In 1922, 29·0005 per cent. were convicted in Bombay, 18·94 per cent. in the United Provinces, 17·35 per cent. in the Central Provinces, 14·99 per cent. in the Punjab, 9·85 per cent. in the Bengal, and 6·95 per cent. in Bihar and Orissa. In 1924, 31·94 per cent. were convicted in the Central Provinces, 29·44 per cent. in the United Provinces, 28·5 per cent. in the Punjab, 10·57 per cent. in Bengal, and 9·69 per cent. in Bihar and Orissa. Honourable members will also feel interested if I tell them how the number of armed dacoities has reduced during the last four years. In 1922, we had 1,436 dacoities in the United Provinces. In 1923, the number came down to 1,225, in 1924 to 1,012, and in 1925 to 789—almost half of the number in 1922. I put these figures before the House just to show that the Police department in the United Provinces is equal to, if not better than, any other province so far as the work and economy is concerned. It is true that there are misgivings about the Police department, but I think it cannot be denied that the work and morale of the department has improved a lot. What is required now is that there should be more confidence between the public and the police. As I have said, it is true that if the department is unpopular to a very (?) extent, some errors committed by the officers of that department are responsible for it. But the fact remains, that this is one of the departments which can be called the servant of the public in the true sense of the word. There may be a few who have not yet imbibed the spirit of public service, but such members should be taught to do it. I am sure you cannot get the best out of the police force if the members of that force feel, whatever ability they

[Hon'ble Lieut. Nawab Muhammad Ahmad Sai'd Khan.]

may display, they cannot get rid of the atmosphere of misgiving and distrust around them. At the end I would simply submit to the honourable members of this House that their suggestions in connexion with the Police department will be noted and will be carefully considered.

Motions Nos. 1 and 2.

Hon'ble the President : This item is non-votable. Therefore, no motion for reduction can be made.

Motion No. 3—Not moved.

Motion No. 4.

Raj Sahib Chaudhri Sheoraj Singh : I beg to move that the demand concerning engineer's pay under "officer on special duty" at page 63 of the Civil Detailed Estimates be reduced by Rs. 7,750.

If the honourable members will turn to page 63 of the Civil Detailed Estimates they will find that a provision of Rs. 7,750 has been budgeted for this year for an engineer on special duty. This is a new item. Recently every department has been permitted to look after its own public work and to relieve the Public Works department. But if the departments themselves are going to engage engineers on Rs. 600 or so the economy which is effected in the Public Works department will be a mere paper show. It may be said in reply that the Police department will save thousands of rupees, which it now has to give to the Public Works department, for the preparation of plans and estimates. But we have to see how far this argument is sound. In the first place, all the big plans and estimates, such as the kotwali of Bareilly and Agra, and other places have been prepared and these buildings are already in possession of the department, and even if any big plan remains to be prepared it would be a bad policy to give this work to an engineer of low pay and low qualifications, with no superior officer to check it. The plans and estimates of the Public Works department, which are prepared by an assistant engineer, are checked by an executive engineer, by the superintending engineer, and even by the chief engineer, above a certain standard. But I want to know who will be the officer to check the work of this engineer; if they are to be sent to the superior officer in the Public Works department, then they will charge their fees and this would amount to an extra expenditure. Certain big municipalities have got their own resident engineers, but those municipalities too have to pay fees not only to the Public Works department but to the department of Public Health also when they are not satisfied with the work of their own officers. I, therefore, hold that this policy will neither be sound nor economical and I hope that the Council will not agree to this departure in the policy unless it is satisfied that this engineer of such a low qualification would be in a position to run about through the whole province and deal with the work efficiently and successfully—which I think he can never do. So I move that this provision should not be accepted by the Council.

Hon'ble Lieut. Nawab Muhammad Ahmad Sai'd Khan : The honourable mover of the reduction is labouring under a misapprehension. He thinks that we are going to engage an unqualified and ill-paid new engineer in the Police department. To explain the thing fully I will have to go back to 1922, when a re-organization committee was appointed on the Public Works department. I was a member of that committee; I agreed to that

scheme, and naturally I am disposed towards that scheme in a friendly way. Then as a Minister I had to work out the scheme and all the re-organization has been completed now. In the re-organization scheme it was decided that all the heads of departments will get their minor and petty works done under their own supervision, and that the Public Works department will not help them. The result was that all works which are estimated up to the amount of Rs. 20,000 have been handed over to the heads of departments. As far as the Police department is concerned, all the work has been handed over to the Inspector-General. We have got petty and minor works to the tune of five and a half lakhs on our hands, and quite rightly the Inspector-General says that our superintendents of police and Deputy Inspectors-General cannot possibly be competent men to look after this kind of work. They can easily trace a criminal, they can arrest dacoits, but they are not supposed to know whether the arch of a building is sound or whether the roof is strong or not, and I think, if a building is made under their supervision nobody can accuse them if that building proves to be full of faults. Therefore they asked the Government to put an engineer in charge of these works. It was not possible for us to ask the Public Works department to help us now because in the re-organization it has already been decided that all heads of departments should get their work done themselves. At that time it was thought that we would be able to get enough private enterprise to do such work and there would be no need of the Public Works department to supervise the work. But this does not seem possible now. We are not getting private firms everywhere. We can of course get private firms in Lucknow, Allahabad, Agra, and other big towns, but it is quite impossible to get private firms to do work in a place like Ballia or Azamgarh and this is the reason why we had to ask the Public Works department to lend us a man. This man we are borrowing from the Public Works department. He is a fully qualified engineer. He is in the service of the Public Works department and, as far as the whole budget is concerned, it makes no difference, because though his pay will be shown under police, his pay will be deducted from the Public Works department budget. Therefore as far as economy is concerned, taking the whole budget into account, there will be no increase in expenditure, because he will be transferred from the Public Works department to police and his pay will also be transferred from the Public Works department budget to the budget of police, so it makes no difference.

Khan Bahadur Maulvi Fasih-ud-din : May I know who will look after the work of this man, who has been transferred from the Public Works department to police ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : As far as the work up to Rs. 20,000 is concerned, even in the Public Works department there is no check of the Chief Engineer or of the Superintending Engineer and an executive engineer is competent enough to get the work done up to that limit.

Khan Bahadur Maulvi Fasih-ud-din : Is he an executive engineer ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Yes, he is an executive engineer.

Khan Bahadur Maulvi Fasih-ud-din : But his pay is shown in the budget as Rs. 7,000 only.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : He gets Rs. 700 a month.

Rai Sahib Chaudhri Sheoraj Singh : In view of the explanation given by the Hon'ble the Home Member, I beg to withdraw my motion.

The motion was, by leave of the Council, withdrawn.

Motions Nos. 5 to 8—Not moved.

Motion No. 9.

Rai Sahib Chaudhri Sheoraj Singh : I beg to move that the demand concerning temporary entertainment of clerks at page 63 of the Civil Detailed Estimates be reduced by Rs. 4,000. Honourable members will find at page 63 of the Civil Detailed Estimates that the Government is going to make a provision under temporary entertainment of clerks. They are increasing the number of clerks in the office of the Inspector-General of Police by six. I am unable to understand as to why this necessity has arisen. Apparently there is nothing extraordinary in the office of the Inspector-General. The crimes are getting lower and lower. I want to know why these six additional clerks are required.

Maulvi Muhammad Obaid-ur-Rahman Khan : It is proposed to increase the staff of the Inspector-General of Police by six clerks, with the result that the provision under this head for the budget year has exceeded by Rs. 4,000. As far as I can see, no sufficient reason is given in the memorandum for this increase, but if a satisfactory explanation of this increase is given, we shall have no hitch in sanctioning this addition to the Inspector-General's office. In the first place, the Government should explain why six more clerks are necessary and then the Council will see whether to sanction the increase or not.

Mr. R. J. S. Dodd : In the note which I circulated to all members of this House I explained that in the office of the Inspector-General within the last few years there have been a number of reforms and other additions to work which were such that the staff could not cope with the work they entail. I believe every member has a copy of that note. In addition, I may say that, some months ago, there was a question asked in this House as to why the office of the Inspector-General did not close on holidays and Sundays. One of the reasons given was, that we had not sufficient clerks to carry on the work, and in this connexion therefore some had to work on holidays; there is another point that I should like to make. I think my friend Mr. Blunt was at first not fully satisfied of the necessity for this increase. Shortly after giving us these six temporary clerks, he sent the Inspector of Offices down to my office, to make a very thorough inspection. His report clearly showed that not only do we want these six clerks but that even with these six clerks who had then already been appointed he wondered how we were able to arrange for the disposal of work. This is all I wish to say about it. We cannot carry on without these men, and the necessity for them has been proved by no less a judge than the Inspector of Offices.

Rai Sahib Chaudhri Sheoraj Singh : I withdraw my motion.

The motion was, by leave of the Council, withdrawn.

Motions Nos. 10 to 12—Not moved.

Motion No. 13.

Khan Bahadur Maulvi Fasih-ud-din : I beg to move that the demand of Rs. 20,184 on account of travelling allowance of establishment under the head "Superintendence" be reduced by Rs. 5,000.

I find that while the amount which has been budgeted for the next year for the travelling allowance is about the same as is the revised estimate, it is very much in excess of the amount that was originally budgeted for the current year. My object in bringing forward this motion of reduction is to point out that the excess which was sanctioned in connexion with the supplementary estimate should not be made a permanent feature of the budget, specially when we find that the railway fare at least of the lower classes has been considerably reduced and when we find that there is a tendency on the part of this department to cut down allowances of all sorts. I see absolutely no reason why this allowance under the head "Superintendence" be increased all of a sudden by so many rupees. I therefore propose this cut of Rs. 5,000.

Mr. E. A. H. Blunt : If the honourable members will look at page 63 of the Civil Detailed Estimates, they will find that the provision in the current year is Rs. 20,184, revised is Rs. 20,000, and the actual of the year before was Rs. 20,998: in other words, the provision that we made last year and that was, so far as I know, made in previous years has always proved insufficient. In the past we have not had to ask for a supplementary estimate because the police having a full budget were able to meet that extra expenditure by re-appropriation; but on this occasion we have cut down the police budget to the bone. The Finance department have gone through every item, and have reduced them wherever they could. The result is that in the budget year there will be no opportunity for re-appropriation. At all events, if there is, I shall be much surprised. That is why we have had to increase this provision up to the amount which they actually need. This allotment cannot possibly be reduced and it only represents the facts. It is wrong to do by re-appropriation what you ought to do out of the provision itself. You ought to provide enough under this head and you ought not to rely on re-appropriation to meet it.

Khan Bahadur Maulvi Fasih-ud-din : I beg to withdraw the motion.
The motion was, by leave of the Council, withdrawn.

Motions Nos. 14 to 21—not moved.

Motion No. 22.

Raja Narayan Pratap Singh : I beg to move that under the head 26-B the specific item concerning establishment at page 64 of the Civil Detailed Estimates be reduced by Rs. 8,844.

I want to know from the Government why there is an increase under this head this year. In the budget of 1925-26 the sum was Rs. 1,55,000 but this year it is Rs. 1,63,844. There is no increase in the number of clerks, servants or constabulary. I have not been able to know why this increased amount has been provided and how far it is justified.

Mr. E. A. H. Blunt : If the honourable member will look into the details, he will find out where the increase is, partly it is under executive subordinates; partly it is under clerks. The increase in the executive

[Mr. E. A. H. Blunt.]

subordinates is due to the gentleman who is sitting over there, the stenographer who reports vernacular speeches made by the members of the Council. He happens to be a member of the Criminal Investigation department establishment and consequently an extra man has been engaged to do his proper work. That accounts for one part of it. The other part is under clerks. That is simply due to . .

Raja Narayan Pratap Singh : Under executive subordinates there is an increase of about two thousand.

Mr. E. A. H. Blunt : Under clerks there is an increase of about Rs. 4,000. The number of clerks in 1925-26 was 30, but it is 29 in the budget before the Council. This is due to ordinary and arrear increments.

Mr. R. J. S. Dodd : The clerks were given their increment from March 1, 1925. That was a mistake. They should have been given this increase from March 1, 1924 when all the district staff clerks received their increment. It is now proposed in this budget to give them the increased pay which is two years over-due and that is the reason for the increase.

Raja Narayan Pratap Singh : I beg to withdraw the motion.
The motion was, by leave of the Council, withdrawn.

Motion No. 23—Not moved.

Motion No. 24.

Mr. H. C. Desanges : I beg to move that the specific item concerning rewards under "Honoraria" at page 64 of the Civil Detailed Estimates be reduced by Rs. 2,000.

Before I say anything I should like to know if this reward is given to officers and subordinates of the department or only to subordinates.

Hon'ble the President : The honourable member had better make a speech.

Mr. H. C. Desanges : I do not want to make a speech if the rewards are only intended for subordinates.

Mr. R. J. S. Dodd : It is only for subordinates and not for gazetted officers.

Mr. H. C. Desanges : I withdraw.

The motion was, by leave of the Council, withdrawn.

Motion No. 25.

Maulvi Muhammad Obaid-ur-Rahman Khan : I beg to move that the demand of Rs. 12,000 concerning secret service under "supplies and services" at page 64 of the Civil Detailed Estimates be reduced by Rs. 100.

My aim and object in moving this nominal reduction is to inquire as to what is meant by this item and what work is done with this expenditure, as there are the words "secret service" only. I am dissatisfied with that expression and want to know in what connexion this sum is spent and what for it is meant.

Mr. R. J. S. Dodd : I am afraid if we told the honourable member what the service was it would no longer be secret.

Maulvi Muhammad Obaid-ur-Rahman Khan: I think it is very difficult to be content with that reply only. I want to know what for it is meant. It will be sanctioned only blindly if it is sanctioned. Why is this expenditure not classed as non-voted because if it is "voted" the information wanted by me should be placed before the Council, otherwise it should be made "non-voted," that is "untouchable" so that we could not touch it and then I shall have no right to put that question.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: I think this amount for secret service is nothing new with our police. Every police in the world has got this provision. Even here it is nothing new. From year to year we have been giving some secret money to the Police department and honourable members can well imagine the expenditure. I think some little amount has to be spent sometimes here and there while investigating. I can say nothing more. After all, it is secret service money. It is difficult for me to give any specific reason or to cite any instance as to how the money was spent.

Maulvi Muhammad Obaid-ur-Rahman Khan: May I know if this money is spent within the province or outside the province?

Mr. R. J. S. Dodd: This is the secret service money and so I am afraid I am unable to give any information.

The motion was put and the Council divided as below:—

Ayes (14).

Rai Sahib Chaudhri Sheoraj Singh.
Pandit Nanak Chand.
Pandit Brijnandan Prasad Misra.
Lieut. Raja Durga Narayan Singh.
Rai Bahadur Thakur Hanuman Singh.
Rai Bahadur Thakur Mashal Singh.
Kunwar Surendra Pratap Sahi.
Mr. Muhammad Aslam Saifi.

Maulvi Muhammad Obaid-ur-Rahman Khan.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Rai Bahadur Lala Mathura Prasad Mehrotra.
Raja Shambhu Dayal.
Rai Bahadur Babu Vikramajit Singh.

Noes (38).

Hon'ble Sir Samuel O'Donnell.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Hon'ble Rai Rajeshwar Bali.
Hon'ble Thakur Rajendra Singh.
Hon'ble Nawab Muhammad Yusuf.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. B. D'O. Darley.
Mr. H. A. Lauce.
Mr. K. G. Harper.
Mr. R. Burn.
Mr. A. W. Pim.
Mr. B. J. K. Hallows.
Mr. C. M. King.
Mr. H. G. Billson.
Mr. R. J. S. Dodd.

Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Raja Muhammad Ejaz Rasul Khan.
Raja Bahadur Brij Narayan Rai.
Mr. H. C. Desanges.
Mr. H. David.
Babu Khem Chand.
Chaudhri Jaswant Singh.
Lala Babu Lal.
Raja Narayan Pratap Singh.
Raja Sri Krishna Dutt Dube.
Rai Sahib Babu Dip Narayan Roy.
Raja Shankar Sahai.
Rao Sahib Abdul Hameed Khan.
Lieut. Nawab Jamshed Ali Khan.
Khan Bahadur Mr. Ashiq Husain Mirza.
Mr. St. George H. S. Jackson.
Lieut. Raja Shaikh Imtiaz Rasul Khan.

Dr. Ganesh Prasad.

The motion was accordingly negatived.

Motion No. 26—Not moved.

Motion No. 27.

Rai Bahadur Thakur Hanuman Singh: I beg to move that the demand of Rs. 3,53,255 concerning total, Criminal Investigation depart-

[Rai Bahadur Thakur Hanuman Singh.]

ment under "24—Police" at page 64 of the Civil Detailed Estimates be reduced by Rs. 100.

Sir, the Criminal Investigation department is under one Deputy Inspector-General of Police who is assisted by three superintendents of police besides several deputy superintendents and other staff. Each superintendent of police is in charge of one branch of the department, that is to say, first is Special branch concerning political offences, the second is the Finger Print Bureau of the Criminal tribes and, the third is the Criminal Investigation department. I have nothing to say about the first two. As regards the third the superintendent of police who is in charge of the Criminal Investigation department has got at least one sub-inspector of police in each district of the province with two or more head constables and several constables. They remain in the district, but their work is so light that, at least to my mind, their presence is unnecessary. The district investigation work can better be done by the district executive force. Their presence in each district is superfluous. Their posting in the district is simply useless. Their only work seems to me is to take notes of the speeches which are made in certain sabhas or gatherings. Besides that, I do not know what else they do. If the Government takes the matter into its consideration I think it will find that their number may be retrenched and the money saved therefrom may be utilized in some other direction. Then, Sir, in this connexion I desire to suggest to the Government that the services of the Criminal Investigation department may be utilized for suppressing corruption and bribery. The Hon'ble the Chief Justice of the Allahabad High Court with the help of the Criminal Investigation department has been able to check bribery in the provincial judicial service of the province. If the Government utilized the services of the Criminal Investigation department, I think it will be possible to a very great extent to check bribery which is prevailing in all branches of the services. There is not a single man who is quite free from its scourge. Therefore it is incumbent on us to save them from oppression and harassment.

Rai Bahadur Lala Mathura Prasad Mehrotra : I rise to associate myself with the remarks that have fallen from my honourable friend Rai Bahadur Thakur Hanuman Singh. I had also a motion under Criminal Investigation department, but I could not move it. Now, I rise to support the motion that has already been moved. The Criminal Investigation department has been criticized since 1924, the year in which we came here for the first time. If the honourable members will consult the statistics they will find that the expenditure has been increasing year after year. In 1913-14 the expenses of the Criminal Investigation department were Rs. 2,21,000. In 1922-23, when the non-co-operation movement was at its height, the expenditure increased by Rs. 60,000 only, so that it came to Rs. 2,81,000. Then it was all right, and I think nobody would have grudged the increased expenditure in those days, but since then we find that instead of coming to the normal level, it is being increased year after year. In the budget for 1926-27 I find that the expenditure budgeted for the Criminal Investigation department is Rs. 3,53,255, so that there is a rise in expenditure of about Rs. 72,255 from 1923. I do not know how the head of the department is going to account for it. I moved a motion for reduction in 1924; again, I moved a motion in 1925, and in that year the then Home Member accepted a reduction of Rs. 20,000. When I

moved that motion you, Sir, as a non-official member also spoke upon it and quoted certain figures to show that the expenses of this section of the Police department are rising every year. Our province is spending more than the Punjab and Madras by Rs. 70,000 and Rs. 1,12,000 respectively. Madras and the Punjab are the provinces where this department requires every help and more expenditure, so if they increase their expenditure it is but right, but our province is not in need of increasing the expenditure on this department year after year. I do not see any reason why Government should increase the expenditure when the non-co-operation movement is totally crushed. It is but right and in the fitness of things that the expenditure of the Criminal Investigation department should be decreased by 25 per cent. and it is in consideration of that that I have brought up a motion for a reduction of Rs. 90,000. I hope the Government will consider the matter and see their way to reduce this expenditure.

Dr. Ganesh Prasad : I felt somewhat bewildered by the arguments that have been advanced by my friend Rai Bahadur Thakur Hanuman Singh for retrenching the expenditure in the Criminal Investigation department. I was very much surprised to hear that he wanted the Criminal Investigation department to take upon itself the work of putting an end to corruption which, as he rightly said, is rife practically in every subordinate branch of the Government service in the provinces. At the same time he wanted that the number of inspectors in the Criminal Investigation department should be reduced. Also, Sir, I felt very much surprised that a gentleman coming from Ballia district, where recently some cases of dacoity have taken place after many many years, should come forward with a suggestion that the number of officers in the Criminal Investigation department should be reduced. I do not think that it is for me to take up the cudgels on behalf of the Criminal Investigation department. But, as I have said repeatedly, I am nothing if not consistent. I am going to repeat the remarks which I made, I believe, last year, that the police service in India is the cheapest in the whole civilized world. The total expenditure on the police is much less in these provinces as compared with the expenditure incurred on this department in England and Wales with about the same population as the United Provinces. The expenditure in England and Wales is 25 crores, whereas here it is about a crore and fifty lakhs. The average expenditure in the United Provinces is about one-tenth of what it is in England and Wales. Of course it will be said that England and Wales are much richer than India. That of course is a fact.

Pandit Brijnandan Prasad Misra : What is the ratio of corruption ?

Dr. Ganesh Prasad : That will probably be a side issue. The position is that in England and Wales the police is much more efficient than here. The police there is dearer for various reasons. It is not for me, as I have said already, to take up the cudgels on behalf of the police. I am going to put forward a few arguments against the attitude taken up by Thakur Hanuman Singh and also by Mr. Mehrotra. I think, Sir, that, considering the vast sums which have been spent and are being spent on education with practically no *substantial* results, we should be thankful that at least in one department, viz., the Police department, in spite of the agency being very cheap, the results are satisfactory. As regards the figures given by Mr. Mehrotra, I felt bewildered when I heard him mention those figures. I have got the detailed estimates here and I find that the sum budgeted for the Criminal Investigation department comes to Rs. 2,97,185 which is votable

[Dr. Ganesh Prasad.]

and Rs. 56,000 which is non-votable. If we compare the figures for 1925-26 and 1926-27, I find that there is no substantial difference. I do not think that it can be said that the expenditure in connexion with the Criminal Investigation department has risen by leaps and bounds in the last few years. Personally, Sir, I believe that the police is inefficient in many respects and last year I made a request to Mr. Ashdown to see that literacy in the lower ranks of the police is increased. Unfortunately half of the constables are illiterates. In Madras the percentage of literate constables is 95 per cent., whereas here it is about 55 per cent. or 45 per cent., I am not quite sure, but certainly about half of the police force is illiterate.

Therefore, I venture to say that my friend Rai Bahadur Thakur Hanuman Singh has not done any good service to the constituency which he represents by asking for retrenchment in the ranks of inspectors in the Criminal Investigation department. He cannot reasonably ask the Government to take upon itself the duty of bringing corrupt Government servants to book if at the same time he wants to reduce the ranks of the Criminal Investigation department.

As regards the figures of Mr. Mehrotra, I beg to say that they are not what he has stated.

Lient. Raja Durga Narayan Singh : I suppose the House is not at all surprised to hear the speech of the learned member for the Allahabad University. He occupies a seat at the back of the Government, and so he naturally came forward to help the Government. I was very much pained to hear one remark of his, namely, that the Government are spending a large amount of money on education with no substantial results. Well, Sir, he represents a most learned constituency, and, as the House knows, he is an ardent advocate of the Western system of education. At the same time he thinks spending a substantial amount of money on education from the finances of the Government is useless. I am sorry I cannot agree with him on this point. Everyone in this House as well as outside is aware that education is the only instrument which can make a man efficient in any walk of life. Sir, if the learned Doctor had not had the benefit of education, he would not have been able to hurl at the Council numerous facts and figures which he has done today. Sir, I am at one with my friends on my right and left as far as the motion is concerned, and I trust the Government will see its way to accept it.

Khan Bahadur Maulvi Fasih-ud-din : Hitherto I was quite sure that our friend Dr. Ganesh Prasad was an expert in mathematics, but I did not know that he was also an expert on the police, and especially on the department of Criminal Investigation, about which most of us know so little. I personally think that the Criminal Investigation department has a justification to exist and to develop only if there is a corresponding and proportionate decrease in the district police force. The department was originally started in order to make the officers of that department expert in connexion with the investigation of certain difficult offences such as cattle— theft, cattle-poisoning, political murders, etc. But it appears that now the department has become an almost permanent institution. I will certainly oppose its extension if it does not replace the district police. We find, however, that the district police is as stupendous an institution as it used to be before in spite of the recommendations of

the Civil Police Committee. There is an old vernacular proverb—"Catch him by the hand, then you can catch him by the wrist," and I believe the same sort of thing is going on in connexion with this department. I have a very great admiration and respect for the work that this department has done and is doing, but I cannot also forget the fact that there are at least men of the position of inspectors in this department who can call a mouse a cat and a cat a dog for the simple reason that the tactics and *modus operandi* of the department are so obscure and they are not at all open to public criticism. As a matter of fact no investigation which is done in secret can be morally supported unless it is needful. I remember having read the life of Sir Syed Ahmad Khan, and I was rather struck with the fact that he was so straightforward that he kept no secret in his life. I think that it is but right that all the investigations done by the police should be open to public criticism, although I do admit that in some cases it is not possible. I therefore think that the gradual and steady development of the Criminal Investigation department without a corresponding decrease in the district police force cannot be justified on the ground of policy.

Mr. H. David: During the course of the discussion it seems to me that several honourable members of this House have lost sight of some important facts. In the old country of England there is such a thing as Scotland Yard, which is at the head of the Criminal Investigation department and which supplements the investigations conducted by the ordinary members of the police. When there is need for such an additional department in England for investigating cases of crimes and offences committed in secret, it is not at all surprising that we should have a Criminal Investigation department in India, and especially in this province, to find out the criminals. We have one case still going on in the court and on this the Criminal Investigation department have been working for the last twelve months. Very recently I read about another dacoity committed in a western district in a Government establishment, but I have not heard anything as to the result since then. I was really surprised to hear from a member of this House, who was once in charge of a district, that the investigations of the police should be carried on in the open. I do not know if that had been his principle of action when he was the head of a district. But I may tell the House that this sort of thing is impossible, and, if I may be permitted to say, it is a most imprudent proposal. In my opinion the Criminal Investigation department is an absolute necessity. I am not very proficient in figures, but I find that the total amount that has been provided in the budget is less than by several thousands of the revised estimate of the current year. If this is so, I cannot understand how any motion for reduction can be entertained by this Council.

Mr. E. J. S. Dodd: The most gratifying thing in the speeches that I have heard today is the fact that none of the honourable members has made any severe criticism on the Criminal Investigation department. One honourable member has asked the Criminal Investigation department to investigate cases of bribery in other departments. Another honourable member has asked that the Criminal Investigation department should take over certain kinds of investigation work. Generally the trend of the debate has been that the honourable members want to know more of what the Criminal Investigation department are doing. It is surely obvious that such a department cannot place all their cards on the table. But if honourable members will turn to the police administration report for last

[Mr. R. J. S. Dodd.]

year, they will find what I consider to be a very fair record of what the Criminal Investigation department have done. The further useful work that they have done this year will be recorded in this year's administration report.

As regards the question raised by the honourable member for Sitapur, about the cost, I am afraid I could not follow him. He said that there was a large increase of Rs. 4,000 and this is the amount that he proposes to cut. But the figures which I have here, show actually a decrease of Rs. 4,000. In speaking a short time ago I explained that the only increase this year in the Criminal Investigation department budget was due, first, to the appointment of a stenographer for the Council, and, secondly, to the payment of arrears of pay to the clerks. Actually, however, there has been a reduction owing to the overseas pay of the Deputy Inspector-General and the Assistants to the Deputy Inspector-General not being included in the Budget.

The honourable member for Ballia referred, if I understood him aright, to what may be called the district intelligence branches, that is, the local Criminal Investigation department at the headquarters of each district. He said that they waste their time recording the speeches delivered in *anjumans* and the various *sabhas*. I think some explanation is due to the House. This local intelligence branch is not an addition to our strength. We have had it for at least twenty years, but it has never been in operation. Before the Civil Police Committee these officers were employed on other work, because owing to a general shortage of officers they could not be spared. After the Civil Police Committee these local branches were properly constituted. Now these local branches are not for the purpose of attending local *anjumans* and *sabhas* for the purpose of recording speeches, nor are they for the purpose of marking the railway tickets of the honourable members of this House. There were complaints about this last year, but, as Mr. Ashdown promised that practice has now stopped. They belong to a new branch and are being developed and trained. There has already been one training class for them to which they were sent to study the methods of detection, and other important matters in connexion with the more scientific investigation of crime. From the latest information obtained from Europe and other countries, we are hoping to train them not to be spies on political gentlemen, but to investigate the crimes for which the local police have not the ability and, what is really more to the point, have not the leisure to investigate. That is what these local men are doing. There is no extra expense whatever involved. Now I intend in my annual report this year to let honourable members know what these men are doing, and I shall take care that the result of the investigation of important serious crimes made by the local Criminal Investigation department branch is clearly mentioned in that report.

I may say in connexion with the crimes to be investigated, that cattle theft is not one of the crimes which the Criminal Investigation department is supposed to take up. They are concerned with the crimes of professional criminals who, with the advancement of civilization, have also advanced in the methods of commission of crime by taking advantage of the railways, telegraphs, and other modern inventions.

As I said before, there is no increase of expenditure in the Criminal Investigation department.

Rai Bahadur Babu Vikramajit Singh : I think the Criminal Investigation department is useful in working out serious and mysterious cases, but the criticism which I wish to offer against that department is that they work out very few cases now. Their activities are confined to a very very small number of cases, as I find from the annual report on the administration of the Police department for the year 1924. At page 29 it says, "The number of investigations conducted by the investigation branch rose from 21 to 54 and to this must be added 15 cases pending from the previous year, making a total of 69. In addition, the investigation branch officers assisted the local police in fourteen cases."

So their record seems to be very poor in investigating a very small number of cases during the whole year and spending such a large sum of money in maintaining that department. It appears to me that they devote an inordinately long time in working out a single case. They take things very leisurely, and if they can work out a case in six months or twelve months, they consider themselves very lucky indeed. But that should not be the case with the officers of the Criminal Investigation department. They should be able to work out cases in a shorter time and in that case they will be of great assistance.

Therefore, I think, care should be taken that the officers of the Criminal Investigation department should not spend too much time in working out a single case. I might also put forward another criticism against the officers of that department, but which I am glad to find from the Inspector-General of Police that this activity has been practically abandoned, in view of the undertaking given by Mr. Ashdown in the last year's debate that that activity of the police would be curtailed.

Formerly, they used to waste a lot of time in taking down speeches of people and shadowing men for their political ideas. Now, a thing which is an open secret does not require the help of the Criminal Investigation department to find it out. People's political ideas are known; there are no-changers; there are swarajists; there are men with other political views, and consequently it is useless to spend time and money to find out what kind of speeches people are making and to hunt them down from place to place. This is purely a waste of money, and I am glad to find from the Inspector-General of Police that this kind of activity is now practically abandoned.

There is one other point in this connexion. My honourable friend Rai Bahadur Hanuman Singh said that their services should be utilized for putting down bribery and corruption. I think this is a very good suggestion indeed, because as a matter of fact it is very difficult for any member of the general public to come forward to complain against an official who is taking bribes, and therefore it should be the duty of the Criminal Investigation department, wherever it finds that there is a very strong rumour, or for other good reasons that a certain official is committing such practices it should take up such cases. And that activity of the Criminal Investigation department would be approved and would receive the approbation of the public. It is not very easy for an ordinary member of the public to come forward, to collect evidence, and to prosecute an official for bribery and corruption, and when it is known that there are members of that description unfortunately in various grades of service, it should certainly be the duty of the Criminal Investigation department to try to put a check to bribery and corruption, and wherever they find cases they may put them up before any court, so that it may have a deterrent effect. With these words I support the motion.

Pandit Brijnandan Prasad Misra : Like most of my honourable friends, I do not know much about the Criminal Investigation department, having no intimate knowledge like that of Dr. Ganesh Prasad or Mr. David. I think the Inspector-General also entertain doubts in regard to our knowledge of the department, because in his report he complained that people generally misunderstand the Criminal Investigation department, and that he was trying to combat that idea in the last year's Council. But notwithstanding all the efforts to dispel the doubts and to expose all necessary things to the view of the public, people still seem to be in absolute darkness. The honourable member for the Allahabad University seems to suppose that the department is a necessity for the purpose of tracing dacoits and robbers. But if he had been right, the special dacoity police would not have been in existence. Mr. David, on the other hand, refers to the working of the department as principally directed towards offences that are being carried out in secret, by which, I think, he meant anarchical societies, and associations and individuals who conspire to commit crime. In the report, however, the Inspector-General seems to be talking about quite a different thing. He said :—"There are indications that those with a stake in the country are beginning to realize that the main object of the Criminal Investigation department is the protection of the public from the activities of the technical and specialized criminal." This might mean, for instance, culprits who are in the habit of coining money, forging notes, poisoning cattle, or of committing other specialized offences. But it does not seem to mean necessarily to be intended for the purpose of either tracing dacoits or for the purpose of tracing secret societies. As to its achievements, the Inspector-General seems to be gloating over the success Government have gained over non-co-operation, for he says :—"The lull in anti-government agitation continued throughout the year." But this accompanies a confession of failure just in the next breath, where it is admitted that on the other hand, much attention has had to be paid to activities of a more sinister nature, and the conditions calling forth special action in Bengal have not been without repercussion in the United Provinces." This shows how the Criminal Investigation department has been working and how, as a result of its working, the open activities of the political parties have been suppressed to give place to a form of underground working by some individuals. As regards the other activities of the department, I may say that we ought to weigh the whole affair a bit seriously. Whenever the question of ordinary police is before this House, the Government is never slow in singing its praises in the highest verse by saying that the police department is very efficient. When that department is under discussion you will hear the opposite benches admiring the work of the regular police and painting that department in the best colours. The Government is never slow in calling it perfectly efficient, faultless, and anything best imaginable. Now, Sir, if the ordinary police is an efficient department, why is there any necessity of any other branch like the Criminal Investigation department, which is popularly called the Crushing India department. As regards its special capacity in tracing offenders, I might quote one instance which must be in the knowledge of honourable members of this House. I would like to bring to their notice the incident that took place some years back at Delhi. I have absolutely no doubt that a large number of selected Criminal Investigation department people of these provinces also must have been sent to Delhi in those days. I am referring to the period when there was the Delhi Darbar. Honourable members are aware

that a bomb was thrown at His Excellency the Governor General of India. Now, this, is not an incident that took place in a secret place or under the ground, but in the capital of this country where there had been the best departmental workers, and yet not one of them had been able to catch the real offender. This is I think what I can say to the credit of this department. As regards the other attributes of this department, such as dacoity and other things, I might say that the special dacoity police is there. If the existence of latter is necessary, then it is clear that your ordinary police has failed and so has your Criminal Investigation department. The co-existence of these three bodies is in itself contradictory to one another and is a clear proof in itself that all these three taken separately are failures. In regard to the Inspector-General's claim of having combated with the popular idea of the departmental activities being principally directed to political movements, I would like to put a positive question to him and the Hon'ble the Home Member inquiring as to how many of Criminal Investigation department workers were sent to the last Congress at Cawnpore? I am sure a very large number of persons of the department had been sent to Cawnpore and, if unchallenged, I will ask what specialized crime was suspected there. There was nothing secret in the Congress; everything was done there openly. Was not the deputation of a large number of Criminal Investigation department men to Cawnpore absolutely unnecessary, and against nothing but broad daylight political movement. One thing more. The supporters of this department seem to be making the most of their investigations and yet in regard to that investigation of theirs the report says:—"Training on scientific lines is difficult with the small staff sanctioned; the officers available for investigation are by no means sufficient to meet the demands for assistance both from the district police and from private individuals; their time is thus fully taken up in inquiry work; and, though advantage is taken of every available opportunity of teaching them scientific principles in investigation, regular training under these conditions is most difficult." It would thus seem that these officers in the Criminal Investigation department have not got any experience, training or special technical knowledge. On the other hand, they are like the ordinary police, with this difference, that where the ordinary police in the localities can claim a systematic knowledge and experience of investigation work, these persons have nothing of the kind to their credit. The regular police have under their charge particular localities in which they have to make investigations, and this forms the groundwork. But the Criminal Investigation department has stray cases to work out and their number for the whole year is very small. It is 69 in all, out of which 54 are full cases and 15 of a nature in which they had given only a small assistance. Even in this small record of cases it would be found that prominence could be given to three cases only—the Alliance Bank case and two others. In the report it is said that "cheating forms the largest class of crimes and one of the most notable cases is a serious fraud of jewellers, affecting as far-off places as Poona, Delhi, and Lucknow." They say that this case has been successfully traced out, but the chief culprit has absconded to Persia. Thus even in this one most important case for which a successful investigation is claimed by this department the chief culprit has succeeded in making his way to Persia, that is to say that the ring-leader could not be arrested. This is the amount of success of which this department is boasting before this Council. I only leave the question to be decided by this Council as to whether the department has proved a failure or success.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: Let me tell you at the very outset that I am not jealous of those departments which are so well fed by the Finance department and are so lovingly petted by the Council, although I have reason to be so when I see that the departments which are in my charge receive no caresses from honourable members of the House. However, the point is, that there is no increase in the budget of the Criminal Investigation department this year. If there is anything, there is a decrease of Rs. 4,000. If the honourable members will turn to page 64 of the detailed estimates, under total for the Criminal Investigation department they will find that the budget estimate for the year 1925-26 was Rs. 3,60,000 and the revised estimate Rs. 3,57,000 but for the next year we have put only Rs. 3,53,000. Thus it will be seen that it is less than the budget and revised estimates for the current year.

Now coming to the criticisms made by the honourable members of this House, I have noted the suggestions made by the honourable mover and by Rai Bahadur Babu Vikramajit Singh that the Criminal Investigation department should be employed in investigating the cases of corruption among the officers. It is not for the Police department to decide their action in regard to it, but I may say that it is a suggestion worth considering by the Government. Unless the suggestion is first considered by the Government and orders are issued to the Police department, they cannot do anything with regard to it.

There was another point raised by my honourable friend the member for Budaun. I was astonished to find that an ex-district magistrate thinks that there is no need for secrecy. I would like to ask him whether he, when he was district magistrate, did or did not send any confidential case to the superintendent of police or to Government and Commissioner or whether all the activities in his district were above board and there was nothing to be concealed. If he did, then I do not see why he raises this objection. I hope he will excuse those who find it necessary to do what he did himself as an official.

Besides this, we have got many big landlords in this House. They have got some small administration of their own and I would ask them to put their hand on their heart and to say if there is nothing secret in their administration, if everything is above board. I think it is impossible, whatever any politician may say. I have heard that some big politician—perhaps Bismark or Napoleon—used to say that the best policy was to keep no secret, but if anybody were to see the memoirs of that very politician he will find that when he was at the helm of affairs there were very many secrets in his administration in spite of this declaration.

As to the existence of the Criminal Investigation department there is no advanced country where there is no Criminal Investigation department or some similar organization. In England there is the Scotland Yard. It is exactly the same as our Criminal Investigation department here and does almost the same sort of work as we do here. It is more efficient, but does exactly the same thing.

As to the number of cases investigated by the Criminal Investigation department, I would submit that this year the number has risen to 81. These cases are generally very heavy and complicated. Their investigation takes a long time. They are not ordinary cases. We never ask the Criminal Investigation department to go into minor cases. We only ask them to help when we find that our ordinary civil police cannot succeed. For this occasion I can assure the honourable members of this House that

although the number of cases may not be large yet the work is very heavy and quite complicated.

At the end I would again say that, as there is no increase, I see no reason why the honourable members should move a reduction under this head.

Pandit Nanak Chand : My friend, the Hon'ble the Home Member, has complained that the police is not so well financed as some other departments are. I am prepared to agree with him, so far as it touches the lower ranks of the service but at present we are not discussing that general question or how it affects the lower ranks of the department. The department that is under discussion is the Criminal Intelligence department. In the case of this department I think my friend the Hon'ble the Home Member is not on sure grounds when he made the complaint that this department was in any way financially neglected. The honourable members of this House are well aware that this department has been re-organized quite recently at a considerably increased expenditure to the tax-payer. The Council did not agree to the tune to which the expenditure over this department has been raised and the expenditure was certified.

The main question that has been raised by my friend Rai Bahadur Thakur Hanuman Singh under this motion is the question of the Criminal Investigation department. Looking into the question of corruption amongst Government officials, it is almost an admitted fact which the Government cannot easily rebut that there is considerable ground for complaint in this direction. The Government, it appears, is afraid of tackling this problem. Corruption amongst government officials is almost a highly-developed art and it is so very delicate and intricate in its operation that perhaps the Government and the Criminal Investigation department feel baffled when they think of coming to closer grips with this problem. The Hon'ble the Home Member was pleased to point out that it is not the department which can decide this question of corruption, but it is the Government who alone can decide this question. I ask the Hon'ble the Home Member that since the passing of the resolution on this question by this Council what steps has the Government taken of which my friend the Hon'ble the Home Member happens to be such an important member. I know that the Chief Justice of the Hon'ble High Court of Allahabad has given some attention to this problem and has to some extent created a good impression among the public and judicial officers by the action that he has taken. The Judicial department has not got the same bad reputation which many other departments have. I ask the Hon'ble the Home Member as to what steps he has taken to investigate into the corruption prevalent in the other departments, and I also ask him as to what steps he has taken to improve the reputation of the Police department itself. I think it is the duty of the Government to give some satisfactory reply as to their attitude in this matter, whether they want to take some initiative in discouraging corruption or not.

With these words I commend the motion of my friend the mover to the House.

Rai Bahadur Thakur Hanuman Singh : A great deal of what was to be said by me has been said by my honourable friends who have spoken after the speeches of the Inspector-General of Police and the Hon'ble the Home Member. The Inspector-General of Police has been pleased to say that the Criminal Investigation department officers are placed in the

[Rai Bahadur Thakur Hanuman Singh.]

districts for the detection of secret crimes. I would like to know from him whether bribery and corruption are a secret crime or not as, being not a policeman myself, I do not know the definition of secret crime. I want to know whether it is secretly perpetrated or not. Then the Home Member has said that there has been no increase in the provision for the Criminal Investigation department. Sir, it is not a matter of increase or decrease. The country wants that the money which is spent on the Criminal Investigation department should be utilized for the benefit of the country and that it should not be wasted on it. If the Criminal Investigation department helps the Government and the district magistrates and other officers in authority in checking corruption which is prevailing, I think it would be doing a great service to the Government itself and to the people who pay it.

Then, Sir, the Hon'ble the Finance Member has made certain observations regarding my friend Khan Bahadur Maulvi Fasih-ud-din about his experience after retirement. I think his experience was the same as it is to-day, but then he was in a position that he could not but carry out the rules and regulations of his service, etc. The same may be said of the Hon'ble the Home Member. When he was a Nawab at Chhatari did he think about the Police department as he thinks to-day? I think he must have been thinking something else in his heart and speaking something else, from which he actually differs in his heart. Then, Sir, there must be secrets of the Government. Everybody has something secret, and Government must have something secret, but when it comes to the knowledge of the Government that certain injurious practices are prevailing in the services then it should be the bounden duty of the Government to remove them somehow or other. The other day I was travelling with a deputy superintendent of police belonging to the Criminal Investigation department of a neighbouring province. We became after some conversation friendly, and he told me that every now and then the Criminal Investigation department had to bring to the notice of the district magistrate as well as to the notice of the Head of the department cases of corruption, but neither the district magistrate nor the Head of the department liked to take any action. I do not know whether it is so or not in our province, but the province in which he was then serving was actually like that. Well, Sir, is it not closing one's eyes to the malpractices of these officers who are becoming a source of oppression and harassment to the people who pay them? This is demoralizing to the department where it exists and it is demoralizing to the people on whom it is practised. I think Government should take speedy action to remove it, or at least to check it. The other day there was a prolonged debate in the Legislative Council of the Punjab. We are hearing here today what was said there a fortnight ago. So, corruption is not confined to these provinces alone. It is universal and it is for Government to see that the people no longer suffer from it.

Hon'ble the President : Is the motion being pressed?

Rai Bahadur Thakur Hanuman Singh : No, Sir,
The motion was, by leave of the Council, withdrawn.

Motion No. 28.

Khan Bahadur Hafiz Hidayat Husain : I beg to move that the demand of Rs. 2,97,155 concerning 26B—Police—Criminal Investigation

department under total at page 64 of the Civil Detailed Estimates be reduced by Rs. 10.

My object in moving this motion is to direct the attention of the Hon'ble the Home Member and the Inspector-General of Police to the investigation side of the Criminal Investigation department. I want to draw attention to the lack of regular training in the case of these officers. In all countries, European and some Asiatic, officers deputed to the work of investigating crime are made to undergo a course of special training, both theoretical and practical. The police in England undergo a course of training at Scotland Yard. I understand that last year some officers from these provinces were deputed to Scotland Yard for this course of training. It is not, I think, necessary to emphasize the importance of this education and training. As crimes grow in intricacy of detail it will be of increasing urgency to draw on the education and the detective training of the investigating officers. I admit that even as matters stand now the investigation work of the Criminal Investigation department is quite fair; it is undoubtedly more helpful than any other police activity in the province. If some crimes remain undetected, the reason is the lack of special training. A murder was committed in Jalaun sometime ago—the daughter of a police officer was murdered. The Inspector-General of Police deputed the Criminal Investigation department to investigate the crime, but the Criminal Investigation department failed. The reason was that it could not join up the links owing to the intricacy of crime. They proceeded up to a certain point and could proceed no further. It was a brutal crime, but it remains undetected until today. There are other crimes too that remain undetected. That is due to the fact that the police have no special training. Nor do, I think, is there any special reward to deserving officers of the department for detecting crime or any incentive to originality. I came across the other day a very able brochure written by a Criminal Investigation department officer, Mr. Syed Ali Hassan, Deputy Superintendent of Police, Criminal Investigation department, Allahabad. I think the department will do well in recognizing efforts like these, so that it may be an incentive to officers in their work.

Mr. R. J. S. Dodd : If the honourable member will refer to my previous speech, he will recollect that I said we are making special efforts to train these men in the Criminal Investigation department. One class was held last year and the book to which the honourable member referred was written by an officer of considerable experience who attended as an instructor in this class. The book contains the lectures he gave. We have an officer in the Criminal Investigation department whose name must now be well known to this House, Mr. Horton, who is himself an expert in many forms of investigation. He also held these detective classes at the training school last year. He would have held another class in November, but the honourable members of this House will appreciate the reason why he was unable to do so. In fact it was this very cause, which prevented our having another class at the training school in November. Most of our expert officers were employed elsewhere.

As regards the case to which the honourable member referred, I remember it. We corresponded about it at the time and it was one of those cases in which the Criminal Investigation department did fail to detect the culprits. I will not go into the details of the case here. It was a particularly brutal murder. But I will say this: At that time the Criminal Investigation department had, I think, nine murder cases under investigation. They could not, therefore, put forward their full strength.

[Mr. R. J. S. Dodd].

Actually there was some result from their investigation which had nothing to do with the murder. As regards that result I am unable to say anything further here, but the investigation was not without fruit.

We are going to continue the training of Criminal Investigation department officers. We sent last year two officers to Scotland Yard, as honourable members are aware, and two more are going this year. They will learn a good deal of the methods adopted there. But it is not easy for them to go into the inner working of Scotland Yard because the Scotland Yard police do not encourage police officers from outside in discussing their secret methods of working.

Now since these training classes will continue I trust that by next year we shall be able to say that we have made a real improvement in the training of officers of the Criminal Investigation department and officers of the district force.

Khan Bahadur Hafiz Hidayat Husain : I withdraw the motion.

The motion was, by leave of the Council, withdrawn.

Motions Nos. 29, 30, 35, 37, 40, 41 and 42.—Not moved.

Motion No. 43.

Maulvi Muhammad Obaid-ur-Rahman Khan : I beg to move that the demand of Rs. 40,000 concerning cost of enlistment of recruits under "Allowances, honoraria, etc." at page 65 of the Civil Detailed Estimates be reduced by Rs. 10,000. If honourable members will turn to page 65 of the Detailed Estimates, they will find that under the head "Cost of enlistment of recruits" a sum of Rs. 30,000 was budgeted last year. This year, however, they are budgeting a sum of Rs. 40,000. In the budget memorandum at page 63 this increase has been explained as follows:—"Rs. 10,000, under cost of enlistment of recruits (allowances), as recruiting in the past few years has been below normal owing to reductions in staff." In this connexion I wish to inquire whether this recruitment below normal has been found adequate to meet the needs of the province and if it has been, I should like to know what the need for increasing the number now is. If the recruitment has not been adequate, I would like to know in what way the work has suffered and what are the reasons for augmenting the recruitment.

Mr. R. J. S. Dodd : May I explain the situation, Sir. In 1922-23 we were suffering from the cuts of the Civil Police and Decentralization Committees. As a result, we were told to reduce about two thousand of our men. We did no recruitment whatsoever, at any rate in most of the districts, until 1924, for whenever a vacancy occurred, it was filled up by one of the men who had been discharged. Now, I wish to give the Council figures explaining the situation for the three years. In 1922-23 we spent Rs. 30,000; in 1923-24, although we did very little recruiting, and in fact we mostly used up the men that had been discharged, we spent Rs. 22,000; and by 1924-25 we had absorbed all the men who had been discharged and spent only Rs. 41,511, which is a little more than what we are asking for this year. As a matter of fact, this year we asked for a larger grant, but the Finance department would not let us have it; they have based their calculations on the figures for the last three years. Thus, if our recruitment

becomes normal, we shall probably require more money and shall have to come up to the Council with a supplementary estimate.

The motion was, by leave of the Council, withdrawn.

Maulvi Muhammad Obaid-ur-Rahman Khan: I beg to move that the demand of Rs. 3,65,296 concerning contingencies under "district police" at page 66 of the Civil Detailed Estimates be reduced by Rs. 25,000.

If the honourable members will turn to page 66, they will find an enormous increase under the item "contingencies." In the pay of menials there has been an increase from Rs. 41,799 to Rs. 45,235, while under contingencies there has been an increase from Rs. 42,938 to Rs. 80,038. As regards the latter item, no details have been given and there is nothing to show why there is this increase. I therefore want to know whether this increase is really necessary. If it is not really required, I hope the Government will reduce the figure and accept my motion.

Mr. R. J. S. Dodd: I am afraid this is a very complicated case, and I hope that if I get mixed up in the figures my friend on the right will explain them. Honourable members will remember that a few weeks ago we came before the House for a grant of Rs. 43,000 for district contract grants for this year and the money was given without a debate or a division. I had therefore no opportunity of explaining the position to the House; but I am glad that I have been given an opportunity now. The fact of the matter is that this contract grant was fixed in the year 1915 when prices were very different from what they are now. There was really nothing new about this addition of Rs. 43,000. Every year we have had that amount or something approximating it by reappropriation from savings under some other head. For this budget year the Finance department refused to allow us to follow the same procedure and that is why we have to come to the Council. An additional amount is required because the figure was fixed in 1915 when the prices of things were very much below what they are now. But that is not all. The demand has been complicated because certain items have been taken out of contract contingencies and put under contingencies (non-contract); for example rates and taxes have been taken out. I hope in view of the explanation the honourable mover will withdraw his motion.

Mr. E. A. H. Blunt: The figures are extremely complicated in this particular case, because the real increase occurs in an item where according to the figures there is a decrease. The real increase is under "Contract contingencies" and that point has been explained by Mr. Dodd, viz. that the price of everything has gone up since 1915 when the item was last increased. The reason why an increase appears under non-contract contingencies is that certain charges that were formerly included in "Contract contingencies" have been taken out and put under non-contract contingencies. This change was effected by the Accountant-General. This is why there is an apparent increase under non-contract contingencies and an apparent decrease under contract contingencies whilst the truth is the exact opposite. As regards contract contingencies, we have realized for some years that they have got to be increased generally. In Police they have so far, as Mr. Dodd explained, met the increased expenditure under that head by reappropriation. They can no longer do it, because the Finance department have taken care that this procedure should become impossible. Apart from that, it is wrong always to rely on reappropriation and not to make sufficient provision in the item itself. If we are always going to

[Mr. E. A. H. Blunt.]

trust to reappropriation, we are not budgeting correctly. As regards the revision of contract contingencies generally, I am not allowed to state exactly what happened in the Finance Committee. The members of that committee, at all events, will bear me out when I say that it is not merely for the Police department that we have got to revise the contract contingencies, but for every department.

Maulvi Muhammad Obaid-ur-Rahman Khan: There has been a decrease of Rs. 12,000 under contract contingencies, but on the whole there has been an increase of Rs. 27,635. As regards the increase in prices I may say that generally they have not risen but have gone down considerably. There may be some particular things the prices of which may now be more than what they were a few years before. There was no such increase last year at least.

Mr. E. A. H. Blunt: We had a supplementary estimate.

Maulvi Muhammad Obaid-ur-Rahman Khan: I find the column of supplementary estimate blank.

Mr. E. A. H. Blunt: The supplementary estimate was voted after the Detailed Estimates had been printed.

Maulvi Muhammad Obaid-ur-Rahman Khan: What is the amount?

Mr. E. A. H. Blunt: Rupees 43,000.

The motion was, by leave of the Council, withdrawn.

Motions Nos. 44 to 47.—Not moved.

Motions No. 50.

Maulvi Muhammad Obaid-ur-Rahman Khan: I move that the demand of Rs. 3,000 concerning cost of bazar medicines under "Hospital charges—Contingencies" at page 66 of the Detailed Estimates be omitted.

My reason for moving this motion is to tell the House that it is a quite new item which has never been shown either in the budget estimate of last year or in the supplementary or revised estimate of this year. Moreover no reasons for this new item are even given in the memorandum. I should therefore like to know them.

Mr. R. J. S. Dodd: This is another complicated matter. If the honourable member will look at contract contingencies under "Hospital charges" he will find that we had Rs. 3,000 down last year. This year we have Rs. 5,500. There is thus a difference of Rs. 2,500. In the explanatory memorandum there is an item of Rs. 2,000 for special treatment which is quite different from the item of Rs. 3,000 for bazar medicines. Actually if this is deducted we have Rs. 500 only allowed for bazar medicine. The reason is that this Rs. 3,000 has already been cut from the contract grant above by the Finance department, though it was never in that head or paid from that head.

We are thus actually Rs. 2,500 short, and as it is I do not know how we are going to manage. If the honourable member insists on this cut we shall be worse off than we are. I don't know what the constables in hospitals will do for medicines. I hope this will satisfy the honourable mover.

Maulvi Muhammad Obaid-ur-Rahman Khan: I am quite at a loss to understand the reason given for this expenditure. I do not know

whether it is a new disease which has been created by the Police department this year or whether it existed even before, but I may say that contract contingencies referred to has nothing to do with hospital charges. I have already withdrawn my motion connected with that item because I was satisfied with the arguments which he advanced on that motion. But I think this item has nothing to do with contract contingencies, but if he thinks it is absolutely essential, then I will not press my motion.

The motion was, by leave of the Council, withdrawn.

Motion No 31.

Khan Bahadur Hafiz Hidayat Husain : I beg to move that the demand concerning salaries of superintendents and assistant superintendents under "District police—Salaries" at page 65 of the Civil Detailed Estimates be reduced by Rs. 10.

My reason for bringing forward this motion is to draw the attention of the Government to the fact that the authority with which the superintendents of Police have lately been invested, to deal with the sub-inspectors, even to the length of dismissing them, is not favoured by the public and has given cause of complaint to the police force. I do not say that the sub-inspectors of police are all of such standing and respectability that their cases must go up to the highest authority, but I do think that it is rather hard on the sub-inspectors who may have put in a service of 25 or 30 years, to be dealt with by superintendents just put in charge of districts, with a service of even less than five years. Such cases have occurred. I think this is rather unfair. The old custom was that the superintendent of police used to send up all the papers to the District Magistrate who used to deal with these officers. The District Magistrate is undoubtedly a man who is expected to view things from a detached standpoint, and therefore I think it would conduce to efficient working if the old practice was resorted to. I know of cases in which sub-inspectors have complained that the statements of witnesses produced against them were not correctly recorded and the sub-inspectors wishing to be represented by some sort of legal advisers were refused to be so represented. The superintendents of police generally hate legal advisers like poison, and I therefore think it would be better if some check was placed on the authority of the superintendents of police in dealing with the sub-inspectors who, after all, form the backbone of Police administration.

Then with regard to the other point about the deputy superintendents.

Now, assistant superintendents are put in charge even of those districts which have got deputy superintendents of police of much more experience than the assistant superintendents. I think this is rather unfair. Deputy superintendents have got better experience than the ordinary run of assistant superintendents have. Therefore, I think it is not equitable to allow the deputy superintendents to be superseded by assistant superintendents who have got less experience than and undoubtedly much less service than the assistant placed over their head.

Khan Bahadur Maulvi Fasih-ud-din : I am very glad that my friend Hafiz Hidayat Husain has ventilated a very legitimate and old-standing grievance of this class of officer, viz., sub-inspectors, who form the backbone of the Police department. In old days I remember the practice was that the concurrence of the District Magistrate was abso-

[Khan Bahadur Maulvi Faish-ud-din.]

lutely necessary in the case of punishment of sub-inspectors, and the appeal used to lie to the Commissioner. But now the sub-inspector is entirely at the mercy of one man, viz. the superintendent of police. I have very often come across cases in which very deserving sub-inspectors, who have put in long service, have been either dismissed or punished, because they happened to incur the displeasure of their superintendent of police. A certain man asked the question why a donkey had a tail, the curt reply was because it is his due. Why the sub-inspectors suffer so much, why are they so much disgruntled, why are they labouring under a very great disadvantage, is simply because they have to depend upon the one man, viz. the superintendent of police. His appeal now goes to the Deputy Inspector-General instead of the Commissioner, and it is but natural that the Deputy Inspector-General should look at the appeal from the same point of view as the superintendent of police does. I do not wish to impute any motives to that high-placed officer, the Deputy Inspector-General, but it is in the natural order of things that he should also be of the same opinion in many cases as the departmental officers, and he should back his superintendent in order to maintain his prestige. This is a matter which requires serious consideration of the Government, and I am quite sure that the Government will see its way to revise its policy. The policy has been in existence and has been given a fair trial, and I can say without fear of contradiction that it has evoked a very great and very keen resentment amongst that class of officers who ought to be patronized and ought to be encouraged for doing good work. I think that most of the grievances of the sub-inspector will never come to light owing to the strict discipline that is in force in the Police department. But one who comes across them in private life and has a free and plain talk with them can very well understand that discontent is growing every day. I should rather go a little further and say that it will be very risky for the department to keep this class of officers in a state of growing discontent.

The Council here adjourned for lunch.

After the recess, the Deputy President took the Chair.

Mr. R. J. S. Dodd : The only point raised in the general discussion to which I need reply is the question of the punishment proceedings of sub-inspectors. It was pointed out that in the past, i.e., up to two years ago, sub-inspectors were tried departmentally by the superintendent and the District Magistrate had to concur in his findings, but now the superintendent can dismiss a sub-inspector without the concurrence of the District Magistrate. In reality this is not correct. The fact is that in place of the District Magistrate's concurrence we now have the Deputy Inspector-General's concurrence, otherwise the procedure is exactly the same as it was before. I have been a Deputy Inspector-General and I have been a superintendent and as superintendent I remember no occasion in the whole of my service in which the District Magistrate disagreed with me. As a Deputy Inspector-General on many occasions I disagreed to the advantage of sub-inspectors, with the findings of superintendents. So I do not think that it can be justly claimed that the Deputy Inspector-General's interference has been detrimental to the interests of the sub-inspector. Apart from this fact, the Deputy Inspector-General possesses vast technical knowledge which, with due deference to the District Magistrate, does not exist in him to the same extent

as in the Deputy Inspector-General. In fact I may say that several cases under the old rule came up to me for examination as Deputy Inspector-General and they were full of technical errors. This occurred over and over again. I do not mean to say that such a state of affairs does not exist now, but to nothing like the same extent as it existed before. Again, the Deputy Inspector-General of Police is not a local district officer and he can view these proceedings with an unbiassed mind. He has no desire to be unfair to the sub-inspector. I do think that the District Magistrate being the local district officer does often follow the superintendent, but the Deputy Inspector-General does not do so necessarily. I might also add that there are two appeals in these cases. One appeal goes to the Inspector-General of Police and this is very closely scrutinized, and after that there is a further appeal to the Government. So, Sir, I think the sub-inspector is fully safeguarded. I have not had any complaints myself about this procedure, and from the departmental point of view I consider it to be far superior to that which existed before and which was in many ways complicated.

As regards the question of the assistant superintendents of five years' standing holding charge of districts, this is a matter which is beyond the scope of the Local Government. It is within the purview of the Government of India.

The motion was, by leave of the Council, withdrawn.

Motion No. 32.

Rai Bahadur Lala Mathura Prasad Mehrotra : I beg to move that the demand of Rs. 1,78,320 concerning deputy superintendents (district police) at page 65 of the Civil Detailed Estimates be omitted. Sir, I have got here a motion for the omission of the total amount budgeted for the deputy superintendents' salaries. By bringing this motion, Sir, I want to impress on the Government that to keep circle inspectors as well as deputy superintendents at one and the same time for the supervision of sub-inspectors is to maintain a kind of double supervision over their work. What is required is this that there should be only one intermediary between the superintendent of police and the sub-inspector. The business of the deputy superintendent lies in the supervision of the work of sub-inspectors and circle inspectors, of course, but that is not very necessary and therefore either the post of circle inspectors or that of the deputy superintendents should be abolished. This question has been brought in this Council several times, and I think the Police Decentralization Committee also recommended, if not the abolition of the post of circle inspector, then certainly the reduction of 39 posts. After that the Economy Committee recommended a further reduction of 61 posts. I do not know what steps the Government has taken in this direction. I only urge that if they are not going to abolish the post of circle inspectors, they should abolish that of deputy superintendents and keep only one intermediary between the superintendent of police and the sub-inspector.

Rai Sahib Chaudhri Sheoraj Singh : I associate myself entirely with the remarks of my honourable friend the mover of this motion that there should be only one officer between the superintendent and the sub-inspector. The question of the abolition of the post of circle inspector is not a new one. It was discussed in the very first reformed Council on a resolution which was moved by the honourable Pandit Gokaran Nath Misra.

[Rai Sahib Chaudhri Sheoraj Singh.]

Our present Home Member, the Hon'ble Nawab of Chhatari, who is the head of this department, when occupying the cross benches, was distinctly of opinion that the post of circle inspector was quite useless. He moved a token reduction during the budget discussion in the first Council and raised the question that the post of circle inspector should be abolished. I have to wait and see how far the Hon'ble Nawab is now able to give effect to a policy in which he believed as representative of the people. Sir, the main duties of the circle inspector are the inspection of thanas and the supervision of the investigating staff. So far as the first duty is concerned, thanas are inspected by superintendents, deputy superintendents, assistant superintendents, and also by the Collectors and Sub-divisional Magistrates, and so this part of his functions is quite superfluous. With regard to his second duty, I may inform the House that they cannot and do not supervise every investigation, and in important cases, like those of murder and dacoity, the superintendent and the deputy superintendent themselves look into the investigations. Their supervision is quite useless, and often they spoil the investigation. These inspectors do practically no useful work. They are so many hindrances in the way of the investigating staff. They press their own opinions without possessing even half as much knowledge of the locality as the local sub-inspector has. Besides that, as he comes from the rank of sub-inspectors he is not expected to do any useful work in the investigation done by the sub-inspector, specially when he puts up with him, when he eats with him, and when he mixes with him. Since there has been an increase in the number of deputy superintendents, I think the post of circle inspector has been altogether unnecessary. In fact there should not be more than one officer between the superintendent and the sub-inspector. If the Government is not going to abolish the post at all, it is but proper that the Government should accept the recommendations of the Economy Committee and in that case they will have one circle inspector in every district and two circle inspectors in big districts as suggested by the Economy Committee.

Rai Bahadur Thakur Hanuman Singh: I rise to add a few words to the discussion that has already taken place. Circle inspectors are no doubt those who on account of their experience and long service are promoted from the post of sub-inspector. They receive promotion and are placed above the sub-inspectors, but they do not give up the habits which they acquire as sub-inspectors for a long time. This habit of corruption proves very injurious to the prospects of the sub-inspectors placed under them. It is my thirty years' experience of Government service that no sub-inspector can expect to be safe from the hands of the circle inspector unless he makes money by corruption and pays a portion of it to the circle inspector. If the Government wants that a sub-inspector should be honest, then it should abolish the posts of circle inspectors and in their place it may appoint more deputy superintendents of police or any other officers who may be expected to be more honest and possessing integrity, so that they may be able to control their subordinates with efficiency and see that they are doing their work faithfully.

Rao Sahib Abdul Hameed Khan :

جناب صدر —
میں اس بحث پر کہ سرکل انسپیکٹر کی پوسٹ باوجود ریٹرنچمینٹ
کمٹی کی رپورٹ کے رکھی جائے یا نہ رکھی جائے کچھ عرض کرنا چاہتا ہوں

مجھے اس سلسلہ میں یہہ اِتماس کہنا ہی کہ رٹرنچمینٹ کمیٹی کی رپورٹ خواہ کچھ بھی ہو لیکن میں اپنے ذاتی تجربہ کی بنا پر یہہ سمجھتا ہوں کہ سہکل انسپیکٹر کی پوست بہت ضروری پوست ہی اور وہ ضرور قائم رکھی جائے لیکن اس کے بعد میں یہہ عرض کرونگا کہ جس طرح سے اب تک یہہ پوست رکھی گئی ہی وہ حقیقت میں ایک قابل رحم و افسوس حالت ہی اور اس حالت کو میں گورنمنٹ کے نوٹس میں لانا چاہتا ہوں - حالت یہہ ہی کہ جب ایک شخص سہکل انسپیکٹر مقرر کیا جاتا ہی تو اُس کی تنخواہ ۱۸۰ روپیہ ہوتی ہی اس میں سے مبلغ ۵ روپیہ انکم ٹیکس کے نکالنے کے بعد ۱۷۵ روپیہ اُس کی تنخواہ کے رہ جاتے ہیں اس کے علاوہ اس غریب کو کوئی ہارس الاؤنس یا عؤس رینٹ الاؤنس یا کوئی دیگر الاؤنس اُس کو نہیں ملتا ہی لیکن ایک سینئر سب انسپیکٹر کو اس کے برخلاف مبلغ ۱۵۰ روپیہ تنخواہ ملتی ہی مبلغ ۳۰ روپیہ اُس کو اسٹیشن الاؤنس ملتا ہی مبلغ ۲۵ روپیہ ہارس الاؤنس ملتا ہی - مکان ملتا ہی یا مکان کا کرایہ ملتا ہی - بین تغاوت راہ از کجاست تا بنہ کجا - اس کے بعد میں یہہ عرض کرونگا کہ اگر کوئی سینئر سب انسپیکٹر اپنے علاقہ سے باہر ۱۲ میل جائے تو اُس کو دیرھ روپیہ روزانہ ملتا ہی لیکن اگر سہکل انسپیکٹر اپنے علاقہ سے ۲۵ میل بی بی جائے تو اُس کو ایک ہی روپیہ ملتا ہی - میں یہہ عرض کرنا چاہتا ہوں اور میں بڑے ادب سے جناب شوم میمن صاحب سے دریافت کرتا ہوں کہ وہ فرمائیں کہ ان کے علم میں دنیا میں کونسی سواری انسان کو ایک روپیہ میں بیس یا پچیس میل لے جاسکتی ہی - جہاں تک میں نے سفر کی اور حضر کی حالت میں اُس معاملہ پر غور کیا ہی مجھے ایسی کوئی سواری نظر نہیں آئی جو کہ ایک روپیہ میں ایک انسان کو ۳۰ - ۲۵ میل لے جائے یہہ ظلم اور ستم اس لیئے اور یہی قابل داد ہی کہ اُنکا کام شروع سے آخر تک سقم کا محتاج ہی اسطرح حقیقت میں اُنکو مجبور کیا جاتا ہی کہ وہ تھانہ داروں سے یعنی اپنے ماتحتوں سے یہہ درخواست کریں کہ وہ اُن کی گاریوں کا کرایہ ادا کریں - اب ذرا اس کا تصور کیجیئے کہ جب ایک سہکل انسپیکٹر کسی تھانہ کا معائنہ کرنے کے لیئے پہونچتا ہی یا کسی خاص معاملہ کی تحقیقات کرنے کے لیئے جاتا ہی تو اُس کو سب سے پہلے نہایت عجز اور انکساری کے ساتھ تھانہ دار صاحب کی طرف ایک پُر ارمان نگاہ ڈالنا پڑتی ہی یہی نہیں بلکہ بعض دفعہ گھل کم صاف عرض کرنا پڑتا ہی کہ اُن کی گاری کا کرایہ دے دیا جائے - اب آپ تصور کرسکتے ہیں کہ اُس محتاج نوازی کے بعد وہ بد نصیب کیا تحقیقات اور معاینہ کریگا اور وہ فطرتاً کس نتیجہ پر پہونچیگا - ایسی حالت میں بلاشبہ مجھے بہت افسوس اور رحم آتا ہی اُن سہکل انسپیکٹران پر اور اُن کی دیوثی اور فراٹس پر - اگر سہکل انسپیکٹران کو الاؤنس وغیرہ کافی دئے جائیں اور اُن کو پورا موقع اپنا کام ایمانداری سے کرنے کا دیا جائے تو بلاشبہ کوئی میمن بھی اس ہوس کا یہہ نہ کہہ سکیگا کہ رٹرنچمینٹ کمیٹی کی رپورٹ صحیح ہی اور سہکل انسپیکٹران کی کوئی ضرورت نہیں ہی - لیکن جو صورت کہ اس وقت ہی کہ سہکل انسپیکٹر ہر طبقہ سب انسپیکٹران کی مالی امداد کا محتاج ہی کیونکہ اُس کے ضروری اور جائز اخراجات کا بھی اِقتصار اُن پر ہی ایسی حالت

میں ہم کو یہ ضروری معلوم ہوتا ہے کہ ہم کہیں کہ آخر اس مزید عہدہ دار کے رکھنے کی کیا ضرورت ہے جب سب انسپیکٹر اور انسپیکٹر میں بحالت موجودہ کچھ زیادہ فرق نہیں ہے *

ہمارے یہاں دیہات میں ایک مثال کہی جاتی ہے کہ ڈانچ کے دھائی کردے لیکن نام داروغہ رکھ دے - سرکل انسپیکٹر کی بالکل یہی مثال ہے - ترقی کے ساتھ بینچارے کے بہت سے الائنس گھٹا دیئے جاتے ہیں اور اُس کو مجبور کیا جاتا ہے کہ وہ مختلف تھانوں سے ہیک مانگ مانگ کر گذر کرے اور کام سرکاری انجام دے - میں نہایت افسوس کے ساتھ اور اس سے زیادہ زور کے ساتھ کورنمنٹ سے اپیل کرتا ہوں کہ اُس کی مالی حالت کے متعلق غور کیا جائے اور جلد از جلد غور کیا جائے اور جس طرح ممکن ہو اُن کو اس محتاجی اور فقر و فاقہ کی حالت سے نجات دے کر آزادی کے ساتھ اپنا کار منصبی انجام دینے کے قابل بنایا جائے *

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I am very much thankful for the criticism that has been made and I hope it will be of great help to me in dealing with the different questions in my department that may arise in connexion with inspectors and deputy superintendents.

First of all, I would like to submit that the reduction as it stands on the paper is not a token reduction but it is an omission of the whole amount, while the speeches made by the honourable members of this House show that they are desirous only to discuss a certain policy of the department and that the intention is not the omission of the whole demand. Therefore, I beg the honourable mover to withdraw his motion, for this reason that the speech that he has delivered is not for omission but only to draw the attention of the House and the Government to the point that inspectors and deputy superintendents of police both are not necessary.

Now, coming to the question of the reduction of the inspectors' posts, I remember what my views as a non-official member were, and I am thankful to my friend, Rai Sahib Chaudhri Sheoraj Singh, to have reminded me of my non official views. There is a saying that one lives to learn and although I am not prepared to admit that within three months I have grown wiser and that I have learnt something which I was not aware of before I took over charge as Home Member, still I would like to tell the honourable members of this House that as far as my friend, the Inspector-General of Police, is concerned, the latter is very keen on retaining the post. I have not been able to give enough time to see whether my ideas as a non-official member were correct and whether in the light of the experience of the working of department I should stick to them or not, and it is impossible for me to commit myself one way or the other at this stage, but I would like to inform the honourable members of this House that according to the recommendations of the Decentralization Committee we have already reduced the number of inspectors by 39.

Now, coming to the criticism made by my friend, Rao Abdul Hameed Sahib, I am glad that he has brought all these things to our notice and he will be interested to find that these things are already engaging our attention. We are thinking of increasing the daily allowance of inspectors from Re. 1 to Rs. 2 and I hope that this grievance of the inspectors will soon be redressed.

I think that I have explained all the points that were raised by different honourable members of the House and I hope the mover will now withdraw.

Rai Bahadur Babu Vikramajit Singh: The Hon'ble the Home Member has not attempted to reply to one criticism whether two intermediate officers between the sub-inspector and the superintendent of police are needed, viz., the circle inspector and the deputy superintendent of police. There is no doubt that if there was only one intermediate officer with a sufficient status and a good salary and full powers he will be able to exercise better control over the sub-inspectors than he does now. At present the circle inspectors are merely a sort of post office—people who go about to make inspections, write out inspection notes of a stereotyped form and pick holes in the diaries here and there which serve absolutely no useful purpose whatever. They look into various registers and various other things and point out after twelve months that a man has made a mistake here and there, and so on. The Inspector-General of Police, who has been a superintendent of police for a very long time and is a very experienced officer, will be able to say that in practice this administration of the inspectors is not of any great use and it comes to nothing. What we really want is that the superintendent of police who as a single officer will not be able to exercise control over the whole district and over all the sub-inspectors should have certain intermediate officers and those officers should have sufficient power to control the sub-inspectors. A circle inspector hardly exercises any control over sub-inspectors. As my other honourable friends have pointed out, their status is practically equal and in many cases he has to look to the sympathy and the help of the sub-inspector wherever he goes on business, and we also find that a deputy superintendent of police is something like a head assistant or a kind of super head clerk in the office. He does not do administration work of a high class police officer generally. Therefore, if both these posts were amalgamated and a sufficient number of officers in any one cadre were retained, whether the amalgamated cadre may be called by the name of deputy superintendent or it may be called by the name of circle inspector, and in appointing people to these posts sufficient care was taken to put in the right sort of men, whether by direct recruitment or by promotion from the rank of sub-inspector of proved honesty, experience and knowledge, then it is possible that the administration of the police may be improved. At present we find that a circle inspector is not capable of exercising that kind of influence, and the deputy superintendent, too, does not tackle the whole district or any particular part of it in the way he should. Therefore some kind of reorganization in connexion with these two officers is necessary. I think there should be only one officer between the sub-inspector and the superintendent of police.

Another important point which I want to bring to the notice of the Government is that the circle inspector even in an important investigation does not actually take part or is responsible for making the investigation. He merely goes as a supervisor to look into the investigation. I have known of cases where a circle inspector has gone to the spot first but as soon as the sub-inspector arrived he gave up the important investigation to be conducted by the sub-inspector and cleared out. So it does not appear that even in the matter of investigation the circle inspector takes into his hands any important investigation and takes the responsibility of making

[Rai Bahadur Babu Vikramajit Singh.]

it. He is there as a sort of dual officer sometimes verifying the statements of witnesses recorded by the sub-inspector and sometimes only watching the investigation, but he does not take the full responsibility upon himself. It would be necessary that in important cases in which serious crimes have taken place a circle inspector, who is supposed to be theoretically, though he may not be so, in a more impartial and advantageous position, should take up the investigation in his own hands. He should be assisted by a sub-inspector, but the investigation should be conducted by him, he possessing, so to say, a superior knowledge and being a man of superior status; but that, too, I find is not done. When all these things are not done the question really naturally arises why the posts of inspector are kept. But I will not go so far as to say that these posts of inspectors should be abolished at the present moment altogether, inasmuch as I find that there are many other recommendations of graver nature of the Economy Committee which have not been given effect to. So why we should go after the small fry and abolish these posts of inspectors? When we cannot abolish the posts of deputy inspectors general of police, we cannot abolish commissionerships and we cannot touch higher posts, there seems no reason why we should go only after the people who are getting small salary, because then there will be a question of unemployment and of our facing many people if these inspectors are turned out. Therefore what I suggest is not really to do away with these officers, but to form a better kind of intermediate service between the sub-inspector and the superintendent of police by amalgamating the circle inspectorship and the deputy superintendentship and by having good recruitment of officers from outside as well as from people who are of proved honesty and probity.

Mr. Muhammad Aslam Saifi : I am not prepared to go to the length of believing that the post of circle inspector is such that it must be maintained at all costs. But I suppose that my honourable friend who pleaded for the amelioration of their condition has forgotten that during the course of 1924, 39 of them have been brought under reduction. My honourable and learned friend Rai Bahadur Babu Vikramajit Singh has questioned their utility as investigating officers. I think that only those sub-inspectors of police are promoted to the rank of inspectors who are senior and who merit that promotion.

Rai Bahadur Babu Vikramajit Singh : I rise to a point of order, Sir. I have not said that they are not capable of making investigations. What I said was that investigation work was not placed in their hands and that it should be placed in their hands. It is just the reverse of what I have said.

Mr. Muhammad Aslam Saifi : I am sorry I have misunderstood him. At any rate, our friend the Inspector-General of Police will correct us, because I understand that some important investigations are entrusted to inspectors also. In putting his case my honourable friend Chaudhri Sheoraj Singh pointed out that the Hon'ble Home Member, when he was occupying the non-official benches, held the opinion that these officers should be entirely done away with. I understand that the Hon'ble Home Member shielded himself behind a couplet which I could not catch. If Chaudhri Sheoraj Singh knew this couplet of Hafiz, I think he would not

have felt the necessity of reminding the Hon'ble Home Member of his previous convictions. The couplet is this—

زاهدان کیں جلوۂ پر متحارب و مہم می کنند
چہن بخلوت می روند آن گار دیگر می کنند

The priest or the pious do one thing in the pulpit and act in quite another in the privacy of their rooms.

Of course what happens when one enters the room they alone know. It is not desirable, in my opinion, that in stations where there are more than one deputy superintendent of police a circle inspector should be engrafted; and if I remember aright, having listened to the speeches on the occasion of previous Budget debates, it is the accepted policy of Government to gradually abolish altogether the posts of inspectors. If that is the policy now in view I entirely agree with the Inspector-General of Police.

Mr. R. J. S. Dodd: I have to say one or two words about this vexed question of deputy superintendents and inspectors, because I have worked under both systems. There were no deputy superintendents when I started my career, and God forbid that the time should ever come when there will be no inspectors. I went into the question very closely as Secretary of the Police Committee, and therefore I claim special knowledge of it, apart from any I may have as a police officer. When I put it up first before the Police Committee, on which there were non-official members, they were all of the opinion that circle inspectors were a superfluity, but by the time they finished their work they were unanimous in the view that circle inspectors were an absolute necessity. Apart from this, I should like to point out that the circle inspector, with all due respect to the remarks of my friend Rai Bahadur Babu Vikramajit Singh, is used in investigation work, and I maintain that if we do not use him in investigation work he is practically useless. As a Superintendent I made such use of my inspectors; the name is an incorrect one: he is not an inspector really, he is a super-investigator; he is an officer who co-ordinates the investigations in serious outbreaks of dacoity, where necessary taking them into his own hands, and smoothing over difficulties arising between station officers and generally supervising. Apart from his investigation work he is also a most useful person to the superintendent of police or the assistant or deputy superintendent of police who may be in charge of a sub-division, to send out and make inquiries into matters in which the police are to blame, or in which the police are held to blame. If all that has been said is true, I must have been especially fortunate in my circle inspectors. I have had some excellent men in my time. In many of the districts in which I served I fear to think what the conditions would have been if I have not been well served by my circle inspectors. The member for the Cawnpore Chamber of Commerce also said that the circle inspector spends all his time in looking up registers. Well, as a matter of fact, he has not the time to look up registers since these 39 posts have been cut by the Decentralization Committee. He finds it extremely hard to do any inspection at all. All that he is able to do in many districts is to supervise a certain number of investigations. I hope I will not be frightening the honourable member when I say that I had already submitted proposals to bring back some of these circle inspectors because we consider them to be absolutely necessary.

There is another point which seems to be lost sight of. If we abolish the post of circle inspectors there is no field for promotion for honest and

[Mr. R. J. S. Dodd.]

capable sub-inspectors between the post of sub-inspectors and that of deputy superintendent. Again, a deputy superintendent directly appointed, if made to do the work of a circle inspector, would be useless, whereas a deputy superintendent of police, after leaving the training school, in his own line is extremely useful. I should view with the gravest alarm any deputy superintendent of police, of seven or eight years' standing supervising the investigations of sub-inspectors. But the whole crux of this thing lies in this. This experiment was considered in these provinces and very carefully considered. Whilst it was under consideration the Government of Madras, where the constitution of the police is much the same as ours, tried the experiment of replacing circle inspectors by deputy superintendents of police and the result of the experiment, as can be seen in their administration report of the year 1919, was a total failure. That is all I need to say. I need not waste the time of the House by giving further reasons against the change.

There is, however, just one other point which I would like to mention. If circle inspectors are to be replaced by deputy superintendents of police, we shall have to face a very much more expensive bill on account of district executive force. Finally, speaking from the point of view of a police officer, I have no hesitation in saying that the circle inspector is absolutely essential as an officer between the superintendent of police and the sub-inspector.

Lieut. Raja Durga Narayan Singh: I had no intention of taking part in this debate, but I see from the Government benches that they have altogether misunderstood my friend on my left. What he meant to say was that if the post is amalgamated in that case we will get a decent officer and in this way the sub-inspector will not be affected. I am sorry I cannot agree with the Hon'ble Inspector-General of Police when he says that in Madras this scheme was tried but it proved a failure. Perhaps it was on account of the lack of adequate supervision that the scheme did not succeed. I know of cases where the sub-inspectors are very honest, but they have to adopt foul means as they are made to fill the pockets of the circle inspectors. If they do not do so, the circle inspectors make false reports against them, and in consequence they have to suffer. So I hope the Government will see their way to meet the wishes of this House.

Rai Bahadur Lala Mathura Prasad Mehrotra: The points that I made out in my speech have been evaded both by the Hon'ble Home Member and the Inspector-General of Police. I wanted to know where was the justification for keeping two intermediary bodies, namely, the circle inspector and the deputy superintendent of police. To my mind, there is no use in keeping a double supervision over sub-inspectors. This point was also pressed by my honourable friend, Rai Bahadur Babu Vikramajit Singh, but it remains unanswered so far.

I was glad to hear that the Hon'ble Home Member has not come to any decision in the matter yet, but at the same time I was surprised to notice that the views which he had held as a non-official member for several years suddenly underwent a change when he was translated to the lofty position of Home Member only three months back.

The Inspector-General of Police referred to the fact that the circle inspectors had not eventually been abolished in Madras, although an experiment was made in that direction. He did not, however, make it

clear whether at the experimental stage in Madras both the posts of circle inspector and deputy superintendent of police were retained, or whether the circle inspectors were replaced by the deputy superintendents of police. I gather that the system in Madras was to keep one intermediary officer. Once they had deputy superintendents of police between sub-inspectors and the superintendents of police and then they substituted them by the circle inspectors. They ever wanted to keep both deputy superintendents and circle inspectors at one and the same time. We all are of opinion that double supervision is a sheer waste of money. You should keep only one, but an efficient supervising body, as has been pressed by several honourable members. I, therefore, do not see any reason to withdraw my motion.

Hon'ble Lieut. Nawab Muhammad Ahmad Said Khan: The only new point which has been raised by the honourable mover is about the position in Madras. In Madras there were deputy superintendents of police and circle inspectors. As an experiment they abolished circle inspectors, but this experiment failed. Now there are both deputy superintendents of police and circle inspectors. The result of the experiment in three districts of the Madras Presidency is given in the annual administration report of that Presidency for 1918. "In two districts, Trichinopoly and Carnaul, circle inspectors were entirely eliminated and in another, Coimbatore, a modification was made by placing a deputy superintendent in charge of a sub-division with two inspectors working under him." At the end the report says, about Trichinopoly and Carnaul, where the circle inspectors were eliminated, that the discipline suffered and crime increased or was concealed. As far as the experiment in Madras is concerned, it is as clear as day light that it has failed there. The honourable members will, therefore, understand that I will consider not only twice but three and four times before I try the same experiment here which has failed in Madras. This is the reason why I could not make up my mind because I do not want to do anything in haste for which I may have to repent later on.

Rai Bahadur Lala Mathura Prasad Mehrotra: Is the Hon'ble Home Member going to follow other provinces in other matters also?

The motion was put and negatived.

Motion No. 33.

Khan Bahadur Hafiz Hidayat Husain: I move that the demand concerning salaries of deputy superintendents of police under "District Police" be reduced by Rs. 10.

The object of moving this motion is simply to elicit some information. There was a proposal that the present kotwalis of Cawnpore, Lucknow, Allahabad and Benares should be made permanent deputy superintendents of police and that those kotwalis should be put under their charge as such. I just want to know what has become of that proposal.

Mr. R. J. S. Dodd: As a matter of fact two kotwalis, namely Agra and Bareilly, have been put under the charge of deputy superintendents of police. This could not be done in the case of other kotwalis for want of funds. I may inform the House that the present kotwal at Benares owing to his long service and excellent work has just been made a deputy superintendent of police.

Mr. Muhammad Aslam Saifi : Can I take it that in every big kotwali the kotwal is a deputy superintendent of police on the regular cadre?

Mr. R. J. S. Dodd : I will give the honourable member the names of the kotwalis later on.

Khan Bahadur Maulvi Fasih-ud-din : What is the reason of this policy of keeping honorary deputy superintendents of police in charge of kotwalis? Why not bring them on the regular cadre?

Mr. R. J. S. Dodd : This will be done as soon as funds are available.

Pandit Brijnandan Prasad Misra : Are these honorary deputy superintendents of police receiving any allowances?

Mr. R. J. S. Dodd : The honorary deputy superintendents of police are really inspectors and draw the inspector's allowance. At the present moment the permanent deputy superintendents of police who have been appointed to these posts are not drawing any allowance at all, and the question, which is one of audit has been put to Government.

The motion was, by leave of the Council, withdrawn.

Motion No. 34.

Khan Bahadur Maulvi Fasih-ud-di : I move that the demand under "Total salaries—District executive force" be reduced by Re. 1.

I have brought forward this motion in order to discuss a few salient points in connexion with the administration of police. The first point that I wish to discuss is that several years back the Civil Police Committee recommended the abolition of a large number of thanas and drew up a long list of the thanas in each district which were to be abolished. It was found that this recommendation of the Civil Police Committee met with an opposition from various superintendents of police and they made the recommendation rather ineffectual owing to the large reduction which they proposed in the list of the thanas that were to be abolished. They may have done so through the fear that if the number of thanas was curtailed to an enormous degree, it was possible that some of their own posts might be abolished later on, or they may have done so for some other substantial reason. But the fact remains that all the recommendations of the Civil Police Committee, which were so carefully considered in all their details, have not been carried out up to the present time. I find that the average number of cases which are *challenged* by one investigating officer comes to about 32 or 33, taking the figures from the annual report of 1924, and out of these 32 or 33 *challenged* cases, a large number are such as relate to petty thefts and petty burglaries. At least I put down this number at two-thirds. Then there remain only twelve or thirteen cases of any real consequence that are sent up by one police officer during the whole course of the year. I put it to this honourable House whether this is sufficient work for a sub-inspector or not. I brought forward a similar motion year before last in connexion with the Budget debate and I was told that it was not only the number of cases that were a determining factor in deciding whether a certain thana should be maintained or not, but the area, too, was a very great factor, and if the area was to be enlarged to a dangerous limit, it would be impossible for the station officer or his assistant to exercise perfect control over that area and there will be a recrudescence of crime in it. Well, I bowed to that argument at

that time, although I was fully cognizant of the fact that the Police Committee based its recommendations on a very careful investigation of all the facts. But I find now from the Budget memorandum that some of the thanas have been brought under reduction this year, owing, it is said, to the abolition of some of the tahsils. In that case, the principle that they put forward at that time has been broken and these thanas have been abolished, if my information is correct. Besides, I think that it is not the sub-inspector in charge of the thanas that exercises the direct control over the area of his thanas, but it is the low paid policemen, the constables and the head constables that move about and keep a watch over what is going on in the jurisdiction of the thana. But I find that while only seven sub-inspectors have been brought under reduction this year, as many as 445 constables have been brought under reduction. In this way, the Government is curtailing the efficiency and minimizing the control of the police over the areas that are comprised in individual thanas and the principle that was put forward with so much force is being broken by the Government itself. I think that it is high time now that the Government should reconsider the position and give full effect, and that too at once, to the recommendations of the Committee regarding the abolition of the thanas in the various districts of these provinces.

The other point to which I wanted to draw the attention of the Government is that I find that most of the sub-inspectors are innocent of law. Their knowledge of Evidence Act is practically nil, and the cases that go up before the Magistrate are really models of ignorance of law, and the result is that many true and genuine cases are acquitted on the ground of legal flaws in the evidence. The sub-inspector has to go through a sort of legal training in the Police Training School at Moradabad, and after he has once gone through that training he is considered to be all-knowing. No one ever cares to see whether he keeps up even the rudimentary knowledge of law that he picked up in the Police Training School. Assistant surgeons have to pass periodical examinations in order to be in a position to maintain and keep up their knowledge of medicine, and I see absolutely no reason why the sub-inspectors should not be similarly told to pass periodical examinations in order to find out whether they remember the little law that they learnt in the beginning of their service.

The third point that I wish to bring to the notice of this honourable House is that the pay of the sub-inspector continues to be as low as ever. The pay of other officers in the higher grades was considerably increased, but the pay of the sub-inspector remains almost at the same point where it happened to be before. The duties of the sub-inspector are very important, and in spite of the fact that many sub-inspectors are dishonest, it does not follow that we should pay an officer with such important duties a low pay. The sub-inspector under the rules and regulations has the power to lock up even the proudest and the highest man in the realm for at least 24 hours, and if he be paid so low he is naturally inclined to misuse his power. That is a point which, I think, deserves the most serious consideration of the Government. The sub-inspector enjoys very great prestige at least among the rural, ignorant and illiterate classes, and they look upon him as a sort of demi-God. I remember that once when I was disposing of a revenue appeal at Jaunpur, and happened to accept the appeal of an old woman. She was so much led away by that order, that she raised both her hands to the skies and said "May God make you a thanadar." I therefore think that it is up to the Government not to be niggardly in the matter of pay and allowances of the sub-inspector.

Rai Bahadur Thakur Hanuman Singh : There is no doubt that police sub-inspectors in cities and rural areas exercise great influence on the people. They are dreaded by the criminals, but honest men have also fear of them. Sir, I may be permitted to say that whenever the name of thanadar is mentioned his *karowai* always presents itself before everybody. They are officers on whom depends the maintenance of peace and order. They should be men of integrity and honesty. But they are not so. I remember the saying of a certain poet, and it is to this effect:—"Nobody can save the child if the mother is going to poison him." How can the people feel safe from harassment and oppression if thanadars and circle inspectors always look out for an opportunity to extort money from the rural population. When introducing this demand the Hon'ble the Home Member said that the work and morale of the police had improved. Certainly they have improved, not in one direction, but in several directions. There are men who are honest and there are some who try to be honest, but circumstances compel them not to maintain their honesty. While this is so, there is another point which needs mentioning here. In former days police sub-inspectors were satisfied if they got Rs. 5 or Rs. 10 from somebody, but nowadays sub-inspectors are not satisfied with less than Rs. 40 or Rs. 50. They say that their prestige demands that they should not accept the sum that sub-inspectors of former days used to receive. This is a good improvement no doubt. I have already spoken on the Criminal Investigation department much, so I need not repeat the same thing again. We come here as representatives of the people whose grievances must be ventilated in this House, and for this reason we are forced to say so many unpleasant things against a certain section of officers on whom depends the happiness or misery of the people residing in villages. The *régime* of the present Home Member may be called the second Indian *régime*. His predecessor in office, I think, could not succeed in making the police to be as honest as we expect. I hope the present Home Member will do his best to see that purity in this service improves in his time. If he succeeds in this, he will earn the gratitude of the teeming millions residing within the boundaries of these provinces.

Then, Sir, the Inspector-General of Police is always solicitous for the improvement of prospects and salaries of the members of the police force. His predecessor was always thinking of some scheme or other in order to get some money for giving promotions or for creating new appointments or for uniforms or for boots for the police force, and I have no doubt the present Inspector-General will faithfully follow the footsteps of his predecessor in office; but I would invite his particular attention to the fitness of the force which he commands. Those who are posted to the thanas become indolent and cannot go through the drills which are prescribed for them in the same way as those who are stationed at headquarters of the district under the close supervision of the Superintendents of Police. I know that there are not many sub-inspectors who keep horses. They always take a *gari* or an *ekka* or any other conveyance which they can possibly borrow or hire. I can make bold to say that out of 100 sub-inspectors there will be only 25 or 20 who can ride well, but still I find that the number of those who receive horse allowance is very large. Is the peoples' money not being squandered in payment of horse allowance to those sub-inspectors who cannot even seat themselves properly on horseback? This is a state of affairs which I do not think can remain concealed from the Head of the department. The grievances of the people against the police

are so numerous that however fluent in speaking one may be one cannot ventilate them in the time which is allotted to every member of the House.

To conclude my speech, I would say that the Government stands guilty of omission of certain responsibilities which lie on its shoulders in respect of the welfare of the people and in respect of saving them from certain hardships and oppressions which are committed on them by the police force and some of the members of other departments too.

Dr. Ganesh Prasad : I feel tempted to take part in this debate not because, like one of my friends sitting here, I think I am an expert, but because I represent a learned constituency and I should like on behalf of that learned constituency to throw out a few suggestions so that corruption should be stamped out of the police force. Sir, if I may say so with due deference to my honourable non-official friends I feel bewildered when I hear suggestions thrown out from the non-official benches, like the suggestions thrown out on the debate on the demand for Registration. Somebody wants that there should be no competition whatsoever, somebody wishes that there should be no corruption whatsoever, somebody wishes that there should be no backdoor influence in appointments, and somebody wants that there should be backdoor influence. I would not like to be in the shoes of any member of the Government to receive this kind of criticism, and therefore I may say to the Government that as I fully sympathize with their position, the suggestions which I am going to make are more or less of a constructive nature. I am not going to say that the salary of the sub-inspector should be increased and that he should continue to oppress as at present. I am not going to say that his horse allowance should be increased and that he should remain the ruler of all he surveys. I am going to say that we should take a lesson from the improvements that have taken place in the Calcutta police. I hope my esteemed friend the Inspector-General will bear me out that in the Calcutta police almost every sub-inspector is a graduate—I am not mentioning the Bengal police, I am speaking of the Calcutta police. The Calcutta police is at present manned by sub-inspectors who are—almost every one of them—graduates. Now what is the exact mentality of a man who after years and years of labour, who after having been associated for years and years with master minds has obtained a certain degree? His mentality is that of a man who fears that the moment he is convicted of a crime involving moral turpitude he would not only lose his post but he would lose something which he obtained with the greatest difficulty and with the sweat of his brow, namely, his degree. Such a thing has only very recently happened in the Allahabad University. A sub-judge in the Central Provinces was convicted by the High Court of being guilty of bribery and sentenced to three years' imprisonment. The Allahabad University deprived him of his two degrees of B.A. and LL.B., and that gentleman now is a much sadder man than he was when he went to jail.

An honourable member : " He will be wiser."

Dr. Ganesh Prasad : I am not sure.

My first suggestion therefore is this that whatever be the salary of a sub-inspector, in view of the responsible position which he holds he must be a graduate. I am old enough to remember the days when almost every *munsif* was corrupt; I am old enough to remember the days where almost every *tahsildar* was corrupt; and if I may say so, I am old enough to remember the days when more than half the deputy collectors were

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corrupt. What is the state of affairs now? I am absolutely sure of remaining uncontradicted when I say that the vast majority of munsifs and sub-judges have clean hands, that the majority of deputy collectors are incorruptible. About a hundred years ago almost every member of the Civil Service, European or Indian, was corrupt, and here today you find at least eleven or twelve gentlemen sitting on these Government benches who are thoroughly incorruptible. They have prejudices, no doubt. They may be amenable to influences which might make them burn a town or even a whole district for political reasons, but so far as the ordinary definition of corruptibility is concerned they are incorruptible. And therefore I say that the only way in which you can stamp out corruption is to be guided by the lessons that history has taught. No backdoor influence, no kind of *parwarish*, but sheer merit should be the passport to the place of a sub-inspector.

I come to my second suggestion. I know in Calcutta you have got half a dozen men patrolling a street—some Dube, some Chaube, some Singh some Chauhan—and with due deference to all these people of high caste, every day that passes sees them convicted of bribery—of what huge sum? one pice, that is all. There is a rule for the Calcutta police that no man on duty should be found with any kind of coin in his possession. Sometimes a sub-inspector or a sergeant passes by on his cycle and getting hold of this Dube, Chaube or Pande searches his pockets and finds that there is one single copper coin. Well, the man has to be placed before a magistrate and in the vast majority of cases he is convicted. What is the lesson that we derive from that? The lesson is that a man who is illiterate is practically no man. He has got no sense of self-respect. The Dube, Chaube or Pande thinks that he is more *chālak* when he makes a little bit more money in addition to his pay without any kind of fear of disgracing his ancestry by this kind of mean act. Therefore the second suggestion which I would make to the Government is that the lower ranks, viz., the constabulary with which the sub-inspector has to operate, must be literate. In Madras 95 per cent. of the constables are literate. The result is that the percentage of conviction is higher than even in London. Thirty-one per cent. of the accused are convicted, and in London I understand it is only 21 per cent.

Lest anybody should think that I have any desire to challenge the expert knowledge of the Inspector-General of Police, I should say that all my learning about the police has come from this little book "India for 1924-25." If I had not been so modest as I am I would have kept this information to myself and would have let my friends think that I was bringing out all this information from my brain. I happened to look into this book while driving from the station today and I am bringing out all this great knowledge from this book. Therefore without any kind of desire to challenge the expert knowledge of my friend the Raja Sahib of Tirwa or the expert knowledge of my friend Rai Bahadur Babu Vikramajit Singh I say that as a man who has lived and seen and who observes I have come out with these two suggestions. Appoint as sub-inspector a man who has sufficient self-respect because he has cultivated his brain, and see that the humble constable, with whose help he works, is literate and therefore self-respecting.

Here the Hon'ble President resumed the Chair.

Rai Bahadur Babu Vikramajit Singh : I think the proposition which has been put forward by my honourable friend Dr. Ganesh Prasad representing the Allahabad University is a very sound and wholesome one, and deserves very serious notice by the Hon'ble the Home Member and my honourable friend the Inspector-General of Police. The whole thing rests on the question of a proper recruitment of the service, and this is what I have already said a moment ago on another question. My honourable friend has very rightly remarked that if you were to recruit a sub-inspector of police from amongst the graduates you will at once raise the tone of that service and you will be able to eradicate to a very large extent the evil of corruption in the subordinate ranks. This can only be done by getting in the Police service the right type of man. I think there is no doubt that if a man who is a graduate is appointed, he will be found in 90 per cent. of cases to fulfil the condition of being the right type of man. The pay which is offered to a sub-inspector I, think, is such that a graduate will be glad to accept at the start, and if they are recruited from amongst the graduates and put into the Police Training School they will turn out, I think, a right type of sub-inspector, who in many cases will be immune from the influences of accepting bribes. I know of some cases where a police constable had been raised to the status of a deputy collector passing through all stages of a head constable, a sub-inspector and a kotwal. But I think, Sir, that this policy is not the right policy. A constable who starts on a salary of Rs. 10 or Rs. 12 is not a right kind of man who ought to be raised to the status of a sub-inspector because he has not got the knowledge, the stamina or the status which would lead him to control himself or avoid the temptations which are offered to a man in the position of a sub-inspector. The present policy is that a constable is raised to the status of a sub-inspector and he knows all these small tricks which are worked in the constabulary. Therefore if this suggestion of my honourable friend is accepted by the department and if they can recruit graduates to the post of sub-inspector and put them in the Training School, I think there will be decidedly a marked improvement. It might be said that they are not in a position to do it at once, but I think in all the new appointments it will not be difficult to offer places to these graduates. Of course from the experience that I have of officers in the position of a police superintendent or the district magistrate I should say that probably these graduates may not be as acceptable to them as people who have not received proper education, because after all a graduate who has received education at a university has got a certain amount of knowledge, and possesses a notion of dignity and self-respect. A man who has got no education will be in the position of a man who goes about cringing for a post and may be in a position to get a better hearing than a man what is in the position of a graduate. It is for the Government to accept this policy and thereby to encourage education. It is really not putting any kind of encouragement on education to allow people who have not passed even the School-Leaving Certificate examination to be appointed as sub-inspector; while people who are graduates or under-graduates are absolutely ignored. This treatment discourages education. Graduates are only taken in the Education department and certain other departments. But if you were to turn over the whole list of the Police department, you will find that there are very few graduates, apart from the deputy superintendents of police who are in Police service. Why these posts of sub-inspectors and inspectors should not be reserved for university men

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or men who have received sufficient education is a matter which can be very easily considered by Government if they want to improve the tone and status of the service.

Rao Sahib Abdul Hameed Khan :

جناب صدر —

جناب کی اجازت سے اس مسئلہ کے متعلق میں بھی کچھ عرض کرنا چاہتا ہوں یہ معلوم کر کے فی الحقیقت میزے دل کو بڑا ہی صدمہ ہوا کہ آج تک تعلیم کا مقصد حصول ملازمت سمجھا اور سمجھایا جاتا ہے۔ اس کے بعد میں یہ عرض کرنا کہ کسی شخص کا گریجویٹیت ہونا یقیناً اس بات کی صحیح ضمانت ہے کہ وہ اچھی انگریزی لکھ سکتا ہے اور اچھی انگریزی بول سکتا ہے لیکن اس بات کا اندازہ اس سے نہیں لگایا جاسکتا کہ اس میں کتنی کومن سینس Common sense یا سمجھ بوجھ ہے اور دنیا کی پریکٹیکل لائف Practical life یا عملی زندگی سے وہ کس قدر واقف ہے بلکہ شبہ یہ سب کچھ دوسری بات ہے اور گریجویٹیت ہونا دوسری بات *

اس کے بعد میں یہ عرض کرنا کہ ہم نے اس عرصہ میں بار بار اس کونسل میں یہ کہا ہے کہ تعلیم کا نصاب بالکل لغو ہے بالکل بیکار ہے اور ہمارے تعلیم یافتہ نوجوان اتنے بہتر نہیں ہوتے جتنا بہتر کہ دنیا کی زندگی کے لیے ایک نوجوان کو ہونا چاہیئے۔ لیکن آج جب کہ سب انسپیکٹری کا ذمہ آیا تو ہم میں سے بعض میمبران مجبور ہوئے کہ گریجویٹس کے مطالبات پیش کرتے ہوئے خوب بڑھا چڑھا کر ان کی تعریف اور توصیف بھی کریں خواہ اس سے ہمارے پچھلے بیانات کی تردید ہی ہوتی ہو۔ میں یہ عرض کرنا کہ پولیس کے سب انسپیکٹر کا کام قطعی طور پر آدمیوں سے متعلق ہوتا ہے اور اس کو شب و روز آدمیوں ہی سے بڑتاؤ کرنا پڑتا ہے اور کسی صورت میں بھی اس کا کام اس کو مختلف کتابیں پڑھنے یا مختلف مصنفین کے درکس سمجھنے یا بہترین مضامین لکھنے پر مجبور نہیں کرنا ہے اگر یہ کہا جاتا کہ ہمارے صوبہ کے محکمہ سیارڈینٹ سیکریٹریٹ وغیرہ میں جو جگہیں ابھی تک میٹریکولیشن یا ایس ایل سی والوں کے لیے مخصوص ہیں وہ آئندہ سے گریجویٹس کے لیے مخصوص کر دی جائیں تو شاید میں اس کی تائید کرتا کیوں کہ وہاں بہ ممکن ہے کہ ایک گریجویٹ ایس ایل سی یا میٹریکولیشن سے بہتر کام کرسکے لیکن جب آپ ایک ایگزیکٹو executive یا انتظامی کام کے لیے جس میں ہر طبقہ اور ہر مذاق کے آدمیوں سے کام پڑتا ہے ایک گریجویٹ کی تعریف و توصیف کرتے ہیں تو مجھے بڑے ادب کے ساتھ اس کی مخالفت کرنا پڑتی ہے۔ معاف کیجیئے اس کا انحصار گریجویٹیت یا انڈر گریجویٹیت ہونے پر بالکل نہیں ہے۔ ایک سب انسپیکٹر کے فرائض اس قسم کے ہیں کہ محض کسی شخص کے گریجویٹیت یا ایس ایل سی ہونے سے وہ خاطر خواہ طور پر انجام نہیں پاسکتے قانونیکہ وہ بہترین شریف خاندان سے نہ ہو اور اس میں کافی سمجھ بوجھ نہ ہو بظاہر کوئی معقول وجہ نہیں ہے کہ آخر کیوں اس حقیر سی ملازمت کے لیے گریجویٹوں

کے مطالبات اس قدر شد و مد سے پیش کیئے جائیں - آگے کیا کہوں اور کیا نہ کہوں اصل یہہ ہی کہ اس سے صرف ہماری علو خیالی اور عالی حوصلگی کا پتہ چلتا ہی میں نہایت افسوس کے ساتھ اس کی مخالفت کرتا ہوں اور اُمید کرتا ہوں کہ آپ صاحبان بھی میری طرح اسی نتیجہ پر پہنچیں گے کہ درحقیقت یہہ بحث بھی ہماری موجودہ بینکار اور لغو تعلیم کا نتیجہ ہی - اگر چندے اور بھی نصاب تعلیمی رہا اور یہی کثرت گریجویٹس تو دیکھیں گے ہم غریبوں کو کیا کیا سنا پڑیگا اور کیا کیا کرتا پڑیگا - مولانا حالی نے کیا خوب کہا ہی -

نہ پڑھتے تو سو طرح کھاتے کما کر

یہہ کھوئے گئے اور تعلیم پا کر

Rai Bahadur Thakur Mashal Singh : I had no mind to take any part in this debate, but as the question about the qualifications of sub-inspectors has been raised, I will also speak a few words.

The last point, which has been mentioned by my friend Dr. Ganesh Prasad and which has been supported by my friend sitting to my right, is no doubt one which deserves consideration at the hands of Government. Rao Sahib Abdul Hameed Khan has differed and he has said that as a sub-inspector has to deal with men, it is not necessary for him to be a graduate. As if the B. A. degree takes away from the sub-inspector that quality of dealing with men! He would have been right if he had said that sub-inspectors should be appointed not simply on the ground of their being graduates, but that some other considerations also should be taken into account in making the appointments. But he has not said so. He has said that simply learning in universities and reading some books and learning some languages is not a qualification. I do not think that persons who pass B. A. are worse than others. They have an opportunity of forming their character in the universities. You will find that a graduate is always more conscious of his degree and more conscious of his duty to other citizens. He feels the responsibility; he feels his duty to his country; he is more honest, and when the degree is conferred on him it is expected that he will behave with his fellow-countrymen and fellow-citizens honestly and independently. If there had been no charm in the degree the large expenditure on education would have been quite useless. So I think that the point raised by the learned doctor is quite fit to be taken into consideration by the Hon'ble the Home Member. I would simply say: improve the recruitment of sub-inspectors this year by appointing as many graduates as possible; and in appointing them take also into consideration their family status and also the environment in which they have been brought up. It is also necessary that in the recruitment of high officers you should take proper care. You will find that the wrong type of high officers sometimes receive some sort of entertainments from the sub-inspectors, and then these sub-inspectors, even if they try to be honest, cannot be. This is not always the case. There are very honest superintendents I know—there is one in my own district who is so honest—he is over-honest I should say—that he does not purchase a single thing from the market through constables. He does not purchase a single thing from the market through his orderly peon. He always sends his private servant even to purchase a pice worth

[Rai Bahadur Thakur Mashal Singh.]

of ghee. He is so very careful. So I do not say there is a majority of deputy superintendents of police or assistant superintendents of police who are of the bad type. But there are some, no doubt, who purchase 32 eggs for one rupee. In that case certainly I would invite the attention of the Government to the fact that the recruitment of superintendents of police, deputy superintendents of police and assistant superintendents of police should also be improved. They should be taken from a better type of men and from more educated people. If you will improve both ends of the service, i.e., superintendents and sub-inspectors, then I have no doubt that in a very short time you will find that there is very little complaint against the Police department.

Maulvi Muhammad Obaid-ur-Rahman Khan: I was very much astonished to hear the speech of my friend Rai Bahadur Babu Vikramajit Singh. I have very great respect for graduates. I think education is a great blessing and graduates can claim it much more than any one else. But my friend is quite aware that there are many who cannot pass the B.A. examination. Where are they to get jobs? Where are they to go? Unemployment is increasing every day. We have to think of that problem seriously. If that door is also shut, where are these under-graduates and School-Leaving Certificates to go? If my honourable friend Dr. Ganesh Prasad will excuse me, will it not be an insult if the graduates are appointed as sub-inspectors? Tomorrow if it is thought that graduates are more honest, enlightened and trustworthy than those who are not graduates, then I shall request Government to recruit even constables from among graduates. If you are doing any justice to the graduates, you must also think of the under-graduates and School-Leaving Certificates. These are also examinations prescribed by the Education department, and there should be some jobs left for these men also. They should not be deprived of the privileges which they were enjoying all these years. F. Sc.'s are now allowed to join certain professions such as doctorships, engineering, etc. If you shut up these doors to them and say that only B. Sc.'s should be admitted, it will be a great hardship to those men. There are economic conditions which are preventing many of them from continuing up to B.A. or M.A. As my honourable friend Rai Bahadur Thakur Mashal Singh said, for the sub-inspectorship one qualification should be good breeding also. One must also see whether the candidates are capable of holding the office. It should not be restricted to graduates only. I have no objection if sometimes Government prefers to give the post to a graduate. But I think it will be quite unfair and a great hardship to those who are not graduates if you confine these posts only to graduates.

Mr. H. C. Desanges: I have no fault to find with the suggestion before the House that graduates ought to form the recruiting ground for the post of sub-inspector. And the reason put forward was that it will abate corruption. A point that will help both the police and equally help the argument will be that we should look also to birth. A man who is taken from a good family will be, as graduates are expected to be, above corruption. But that is not the only point that one has to look to for recruitment for the police. You have to think of the executive duties, the onerous and hard work that falls on sub-inspectors, the fatigue one has to endure, and the exposure, and above all one has to come in contact with all kinds of humanity.

In India we have martial races, but also non-martial races. Mere graduates do not make a martial race; so, too, the police force requires something more than mere graduates. You have to think of the character of a man. Another argument which will defeat the proposition of my learned friend from the University is this. If he says that a hundred or 75 years ago the Indian Civil Service officers were corrupt, and if, as I take it, they were graduates also, then it follows that graduation does not wipe out corruption. On the other hand, take a practical test. With all deference to the members of the police force, I do not think that 50 per cent. of the superior officers are graduates. Yet is there any one here to say that these men who form the personnel of the superior establishment of the police have not done their work ably and efficiently? So let us not confine ourselves to graduates only. Let us think of parentage, birth and character, and traditions also.

Mr. H. David : I fully endorse the views that have been put forward by the honourable member for the Allahabad University. As honourable members are aware, there are four universities in the province which turn out at least a thousand graduates every year, and the number of graduates turned out will grow year by year. Where are all these persons to go to? Are they to go out to beg in the streets? Are they to band themselves into revolutionary bodies in order to feed and clothe themselves? We know it for a fact that a large number of educated young men are members of anarchical societies. I think if the Hon'ble the Home Member will take it into his head to signalize his administration, he will do well to introduce this new element in to the ranks of sub-inspectors, which will I hope go a great way to improve the tone of that class of officers, and which will also solve the problem of unemployment among the educated men. Some time ago the Oudh and Rohilkhand Railway advertised for travelling ticket checkers on Rs. 55 onwards, and the Council will be surprised to hear that about 40 graduates sent in their applications and they were all eventually employed. When you can get graduates for Rs. 55 per mensem, why do you not try them as sub-inspectors? The family status seems to be a very great thing these days, but I think education is of higher value than family status. I would therefore request the Hon'ble the Home Member not to pay sole regard to family considerations in making the appointment to the post of sub-inspector, but recruitment to that post should be made on merit alone. Therefore, while agreeing with what has fallen from other members who have advocated the cause of education, I, nevertheless, think that some sort of provision could also be made for persons belonging to good families. Once more, I beg to submit, that the whole question may not be consigned to the waste-paper basket, but it may be very carefully considered.

Babu Kishan Lal : With due deference to the opinion of my honourable friend Mauvli Muhammad Obaid-ur-Rahman Khan, I beg to point out that the question before the House is not whether S. L. Cs. or undergraduates should get employment. The question is how the public money should best be utilized. In my opinion if the Government can get graduates at the same pay as S. L. Cs. or undergraduates, they should give preference to graduates who are more educated and less liable to corruption than those who are not so educated. I support the suggestion of my honourable friend Dr. Ganesh Prasad.

Raja Shambhu Dayal :

جناب پریسیڈنٹ صاحب —

اس وقت یہ مسئلہ پیش ہی کہ سب انسپکٹران کا ریکروٹنگ کس طور سے کیا جائے۔ یہ شرط لگانا کہ گریجویٹ ہوں میرے خیال میں اس میں کامیابی نہ ہوگی۔ پولیس کا کام ایسا ہی کہ اس کے لیئے انسان کو اہل سیف بھی ہونا چاہیئے اور اہل قلم بھی ضرور ہو۔ اس کی بھی ضرورت ہی کہ تعلیم یافتہ ہو اور اس کی بھی ضرورت ہی کہ اعلیٰ درجہ کا تعلیم یافتہ نہ ہو ورنہ اس وجہ سے کہ اُن کو ڈاکوؤں - چوروں - بد معاشوں سے مقابلہ بھی کرنا پڑتا ہی۔ اگر ایک سر گریجویٹ ایل ایل بی ایک جگہ کھڑے کر دیئے جائیں اور ایک جاہل کنوارا لٹہ لیکر مقابلہ میں کھڑا کر دیا جائے تب بلا دیکھئے کون ہانکتا ہی (قہقہہ) لہذا یہ اصول کہ گریجویٹ لیئے جائیں یہ ناکافی ہوگا کہ کیونکہ آئے دن پولیس انسرورں کو بد معاشان سے مقابلہ کرنا پڑتا ہی اس لیئے میں اس کی مخالفت کرتا ہوں *

پولیس کی اصلاح کے مسئلہ میں میں نے بہت غور کیا ہی اور ہمیشہ غور کیا کرتا ہوں کہ کسی طور سے پولیس کی اصلاح ہو بھی سکتی ہی یا نہیں۔ میرے خیال میں نہیں ہو سکتی (قہقہہ) ورنہ اس وجہ سے کہ اس میں گورنمنٹ کی بھی غلطیاں ہیں جو عدلدار مقرر کیئے جاتے ہیں اُن کی بھی غلطیاں ہیں اور پبلک کی بھی غلطیاں ہیں۔ بہت بڑا الزام پولیس کے اُپر رشوت کا ہی دوسرا یہ الزام ہی کہ ورنہ گورنمنٹ کے ہاتھ میں ہی اور بیجا طریقہ سے اُن موقعوں پر جہاں قومی معاملات پڑتے ہیں اور جہاں گورنمنٹ دباننا چاہتی ہی بیجا طریقہ سے گرفتاریاں کرتی ہی۔ اس کے بعد یہ ہی کہ پبلک خود پولیس کو رشوت لینے کی طرف راغب کرتی ہی اب آپ یہ غور فرمائیں کہ جب تک ہم لوگوں میں یہ طریقہ یا یہ اصول قائم نہ ہو جائے کہ جرم کیا ہو تو اُس کا خود بخود اقبال کر لیں اور مجسٹریٹ کے ردہ و سزا لے لیئے حاضر ہوں تب تک یہ لازمی ہوگا کہ پولیس کو راغب کیا جائے کہ روپیہ لے لے اور چھوڑ دے۔ بارہا یہ بھی ہوتا ہی کہ دوسروں کو پھسانے کے لیئے بہت سے لوگ روپیہ خرچ کرتے ہیں یعنی پولیس کو رشوت دیتے ہیں۔ میرے خیال میں اس کے لیئے جیسی بھی کوشش کی جائے اُس وقت تک کامیابی نہیں ہو سکتی جب تک کہ گورنمنٹ بھی اصلاح کی طرف رجوع نہ ہو اور پبلک بھی۔ اس لیئے میرے خیال میں ایک کمیٹی بنائی جائے جو ہر پہلو پر غور کر کے ایسی ایسی تجویزیں پیش کرے جن سے اصلاح ممکن ہو اور ایسی کوالیفیکیشن-qualification مقرر کرے جو اس محکمہ کے لیئے ضروری ہوں *

بعض صاحبان نے فرمایا ہی کہ ریکروٹنگ recruiting شریف خاندانوں میں سے کیا جائے اب میں اس مشکل میں پڑا ہوں کہ شریف خاندان کے کیا معنی ہوتے ہیں (قہقہہ) ایک طرف تو آپ کہتے ہیں کہ نیچری اور اُردچی قوم میں کوئی تفرقہ نہ رکھا جائے۔ میں نہیں کہہ سکتا کہ شریف قوم آپ کس کو قرار دیتے ہیں۔ ایماندار ہی کسی قوم پر منحصر نہیں ہی نیچری قوم کا اُسی ہی ایماندار

ہوسکتا ہی اور اونچے قوم کا بے ایمان - اگر اس کی مثالیں میں پیش کردہ تو بہت گستاخی ہوگی - اس لئے میری عرض ہی کہ زیادہ وقت خراب نہ کیا جائے - ایک کمیٹی بنائیں جو جملہ باتوں پر غور کر کے تجاویز پیش کرے اور تب کوئی موزوں طریقہ اختیار کیا جائے *

Mr. R. J. S. Dodd : I must apologize for intervening in this interesting debate as to the relative value of graduates and non-graduates, but there are two matters about which I want to say a few words. We have advanced in the last few years by gradually reducing the number of persons who are not educationally qualified. I am glad to say that the number this year is two per cent. only, and it will disappear next year. We have taken steps to see that henceforward no unqualified men will be taken.

Rai Bahadur Babu Vikramajit Singh : What is the percentage of graduates?

Mr. R. J. S. Dodd : There are no graduates at present.

I cannot let the remarks of the honourable member for Hardoi pass without a strong protest. The other day he definitely said that because superintendents of police received money from sub-inspectors, therefore the latter were corrupt. When I spoke to him afterwards he said that that was not his meaning. He has again repeated those remarks today, though in milder terms. I must insist that it is most unfair to make a general charge against superintendents of police or assistant superintendents of police that they are not honest. I have discussed the matter with several honourable members and they do not agree that this is a genuine charge. I have no information whatsoever of any superintendent or assistant superintendent of police at the present day against whom suspicion exists. If there were any such cases, I would insist on the fullest inquiry. But I make the strongest protest that a hard-working, honest and loyal body of Government servants should be charged like this without any proof being forthcoming against them.

Lieut. Raja Durga Narayan Singh : Dr. Ganesh Prasad has said that preference should be given to graduates who can discharge their duties more efficiently, the reason being that the mind of a graduate is more trained than that of a non-graduate: the former has to undergo many courses which naturally train his mind in such a way as to possess some sort of human feeling towards other persons. As I have said before, there are sub-inspectors of police in my district who are as honest as anybody. Therefore it should not be thought that I do not favour non-graduates on the score of honesty. As far as I think it would not be impracticable for the Government to give a trial to the proposal that graduates should be given preference to non-graduates in the matter of appointment as inspectors of police. Raja Shambhu Dayal has said that inspectors who are graduates would not be able to handle well a gang of dacoits. I do not agree with him. There are graduates who have fought in the battles in France, and Government is fully aware of their services. Moreover, a man before obtaining the degree of B. A. has to spend good deal of money on education. I would, therefore, suggest to the Hon'ble the Home Member to give a trial to the scheme. If, however, it fails, it would be a different thing. But I see no harm in giving it a trial.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The question of eradicating corruption in the Police service is a very important one, and

[Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.]

nobody can be more anxious to get rid of this evil than those who sit on this side of the House. I assure the honourable members of this House that I will regard myself very fortunate if it falls to my lot to improve the tone of the services in my time. As regards the suggestion that has been made by my honourable friend the member for the Allahabad University that the educational qualifications of sub-inspectors should be raised from school-leaving certificate to B.A., we will consider that question, but I doubt whether this is the specific remedy for corruption. As was just mentioned by my honourable friend representing the United Provinces Chamber of Commerce, as far as I think, the real remedy is a proper recruitment. As far as character is concerned, I think that it is the early training of a man, it is the surroundings in which he is brought up, the family traditions and the environment which have an everlasting effect upon the mind, and therefore, in my opinion, educational qualifications alone will not be a perfect remedy for the evil; but the raising of the educational qualification, together with full consideration for proper recruitment may lead to an improvement. In this connexion I will beg the House to remember one thing, that sometimes we find that some honourable members of this House press the Government to get rid of all the family preference while appointing men in the service. I remember such resolutions were moved here and I have seen very many honourable members supporting and sympathizing with those resolutions. I am unable to reconcile these two things. As the tone of the House today shows, it is of opinion that consideration should be given to the right type of men, that men of good family with good traditions behind them, should be recruited and then in the same breath they say that we should do away with all the preference that we give to a man of better family.

Rai Bahadur Thakur Mashal Singh: Are there no graduates of good family?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: I did not say that there were no graduates of good family. But, as I said just now, I do not believe that merely being a graduate can be a passport for honesty. I entirely disagree with any member who says that it is enough that a man should be a graduate and then you can trust him; and that one who is not a graduate should not be trusted. I know that many of my friends here and outside who are not graduates are as honest as any graduate or even a professor. Therefore, I do not think that the hall mark of a university is a certificate for honesty. I can quite understand the motive of those who say that by getting a man of better education, we can hope that their work will be better than those who are not equally well educated. As I said before, we will consider the question of raising the educational qualification, but I would like also to remind the members that at present the minimum qualification is the school-leaving certificate. But that does not bar any graduate or under-graduate from coming in. Therefore, if we can get more graduates for our posts, I think we would be only too willing to have them in the Police service. As an illustration I may tell the honourable members of this House that only recently in the selection board of the sub-registrars, although the minimum qualification is school-leaving certificate we selected three or four graduates.

Rai Bahadur Thakur Mashal Singh: How many unqualified men did you appoint?

Hon'ble Lieut. Nawab Muhammad Ahmad Sai'd Khan : I do not remember, but they were all appointed for good reasons, because they were men who had put their lives in danger for the sake of the country, for the sake of the Empire. I strongly differ from my honourable friend that those men who have risked their lives for the sake of the Empire, who have shown themselves very capable in different walks of life should not be given preference.

So we will consider the suggestion made by my honourable friend Dr. Ganesh Prasad of improving the educational qualifications of the service and we will try to get better recruitment if we can.

Khan Bahadur Maulvi Fasih-ud-din : I wish just to say a few words, in spite of the fact that I am feeling very giddy owing to the onslaught of Lucknow mosquitoes which troubled me very much last night.

I have no quarrel with the honourable member for Allahabad University for having brought before this Council the question of the appointment of graduates as police sub-inspectors. But I have certainly a quarrel with him in this respect that he has thrown my own suggestions into the background, and none of the members of the Government have said a word about the suggestions that I made. I think that in discussing the question whether a graduate is more honest or a non-graduate is more honest we are acting like the wise-acres and sages of the middle ages who would fight about whether the pigeon was white or black. I think that English education does not at all teach us to be more honest. I remember that when I was reading in the maktab, my maulvi used to tell me that honesty was a matter of principle; that it was sanctioned by all the codes of morality, and that it was sanctioned by Islam. But when I went to an English school there my tutor gave me some exercises and made me write that "Honesty is the best policy." I now wonder whether honesty is a matter of principle or a matter of policy. I think the discussion whether a graduate should be appointed as a sub-inspector, or a non-graduate should be appointed is only an academic discussion. The graduate, as has been said by the Hon'ble the Home Member, is always welcome and there is absolutely no bar against his coming. So I think that this bone of contention which has been thrown out by my friend, Dr. Ganesh Prasad, has made at least the members of the Government forget the two or three suggestions that I had put forward and for this I am very sorry.

The motion was, by leave of the Council, withdrawn.

Motion No. 35—Not moved.

Motion No. 36.

Mr. H. C. Desanges : I beg to move that the demand concerning establishment (executive subordinates) under "District Police" at page 65 of the Civil Detailed Estimates be reduced by Rs. 10.

My object in doing this is to offer fair criticism to the Government. This morning I was pleased to hear the Hon'ble the Home Member say that he would invite friendly criticisms, and with it there was an admission that the police were unpopular, and therefore if any matters were brought to his notice he would give them due consideration. I want to bring to the notice of the Government and of this House that there are cases in which the superior police do not act justly and that there are cases of maladministration. There are cases in which if people come in conflict with the police they are made to suffer for it. There is a case of one

[Mr. H. C. Desanges.]

particular man. I will not mention his name. I think the police are aware of the case and the circumstances. There was an inspector of police who had done good service. When the war in South Africa broke out he enlisted and joined Kitchener's Horse. He won a medal and six clasps. When he came back, Mr. Kaye, the then Inspector-General of Police, said in unmistakable language that this man "bore an unblemished character," that there was no place in the police that would be unsuitable to his ability, to his talents and to his honesty. There was a post created as superintendent of the watch and ward. He was appointed in that department on Rs. 600 rising to Rs. 1,000. When in charge of this he, during his tenure of office of two years' reduced the compensation that the Oudh and Rohilkhand Railway were paying from a little less than 5 lakhs to 2½ lakhs. Somehow this post was coveted. The pay of the post was increased from Rs. 1,000 to Rs. 1,500 and it was taken away from him, for some *persona grata*. When he was superintendent of the watch and ward he came in conflict with the police, as he had made adverse criticisms against a particular railway official. He was watching a constable of police. When the amalgamation of the Oudh and Rohilkhand Railway with the East Indian Railway took place he had to revert to the police. Then the police got him in their clutches and made him a deputy superintendent. Within three months the man with these qualifications was reverted to the post of inspector. I might also say that this man was thought good enough to be given a Commission. He was mentioned in despatches. He did excellent recruiting work and the Government were pleased to make him a Member of the British Empire. But owing to his conflict with the police he was degraded to the post of inspector. This humiliation took place because there had been a conflict between him when working for the watch and ward and the police. Is that justice? Is that good administration? Is this honest? I know that the police are necessary, and they have done good for us. At the same time I think that these instances have to be pointed out to be rectified.

Mr. R. J. S. Dodd: I quite recognize what Mr. Desanges has said; but I must inform him that this officer was not a permanent deputy superintendent, and that whatever happened in the railway and their reasons for dispensing with his services are not our concern. The watch and ward service in the railway was reorganized and they did not require his services any more; but I do know that when notice was given terminating this appointment, neither they nor we were able to serve it or any other orders, as he disappeared for three months and we could not find where he was. In any disciplinary force behaviour like that cannot for a moment be tolerated, and, though no action was taken against him at that time, when promotions to the permanent rank of deputy superintendent came on later this officer was reverted to his original post of inspector. This is all that I have to say in this connexion.

Mr. H. C. Desanges: I was perfectly aware when I stood up that I was not saying anything about his work in the watch and ward except as an argument that the police had not treated him well, but my honourable friend the Inspector-General has not caught the point. When this officer came back to the police he found that his juniors were acting and officiating as deputy superintendents of police, whereas he was not.

Surely the Inspector-General ought to give weight to the recommendations of an able officer like Mr. Kaye, who said that that man bore an unblemished character. The point is patent to every one. If you will look at the Civil List of 1925 it will be found that his juniors, not on account of better work as compared with his, are over his head in the police service. Before I withdraw my motion I should like to have some assurance that he would be fairly treated. I deny that this officer has been absent; he has obtained leave from his late employers, the watch and ward department, on a medical certificate.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: I am not aware of the details of this case, but from what I have just learnt from the Inspector-General of Police it seems that this man disappeared for three months without either information or permission, and suddenly appeared after that period. That was the reason why he was reverted to his original post of inspector. If it is true that he disappeared for three months I think he was treated leniently in not being dismissed, because he left his duties without any leave having been sanctioned by his higher officers.

Mr. H. O. Desanges: I withdraw my motion.

The motion was, by leave of the Council, withdrawn.

Motion No. 37—Not moved.

Motion No. 38.

Khan Bahadur Hafiz Hidayat Husain: I beg to move that the demand concerning establishment (constabulary) under "District police" at page 65 of the Civil Detailed Estimates be reduced by Rs. 10.

My object in moving this motion is to elicit certain information from the Inspector-General of Police. In the budget discussion of 1924 I raised this question of the improvement of the constabulary and wanted to know from the Inspector-General as to how far he was going to improve the tone of the constabulary generally. It was admitted then that the tone of the constabulary was rather low, and Mr. Ashdown, the late Inspector-General of Police, said that he was going to introduce some such scheme as would improve the tone of the constabulary generally. He promised that in 1925 he would be able to give details of the action he had taken, but unfortunately he could not give this information last year. I should therefore like to elicit from the Inspector-General now as to what practical steps have been taken in order to improve the tone of the constabulary. So far I think the constabulary of this province is still where it was in regard to their relations with the public. They think that instead of being servants of the public they are their masters and try to lord over them. Therefore I think it absolutely essential that steps should be taken to improve the tone of the general body of the police if nothing has been so far done.

Mr. R. J. S. Dodd: I am afraid I have not got the speech of my predecessor with me here, but I have some recollection of the matter. What is being done in the matter of training is this. We have provided a number of trained teachers from the Education department who act as schoolmasters to the recruits in the police lines. These have now been provided practically in all districts. If every district has not already got a teacher it soon will have. I am not quite certain whether they have all been appointed. That is one point.

[Mr. R. J. S. Dodd.]

There is a special curriculum laid down by the late Inspector-General of Police, which deals with moral training as well as physical and intellectual training and all kinds of training. This receives special attention from the Deputy Inspectors-General when they make their inspections. The training of recruits we have always considered an important matter, but we give much more attention to it now. I have also under consideration a further scheme of training about which I have spoken to the Hon'ble the Home Member, but we must really see the present system settle down before we take further steps. The honourable member may rest assured that the matter is continually before us.

Khan Bahadur Hafiz Hidayat Husain : I beg to withdraw.

The motion was, by leave of the Council, withdrawn.

Motion No. 39.

Mr. Muhammad Aslam Saifi : I beg to move that the demand of Rs. 59,98,007 (b) concerning constabulary under "District police" at page 65 of the Civil Detailed Estimates be reduced by Rs. 7.

My object in moving this reduction is to get a little information from the Inspector-General of Police regarding the reduction in the number of constables. I should like to know if it is the policy of the Government to reduce the number of constables further by degrees. On looking up the report for the year 1924 I got somewhat puzzled because here I notice in paragraph 29 that at the close of the year 1924 the number of constables was only 27,752 and that was in accordance with the recommendations of the Civil Police Committee. So, as these figures are irreconcilable, I would like my honourable friend the Inspector-General of Police to tell us as to whether it is really his intention to reduce their number, in spite of the fact that, as all of us know, the whole burden falls on the rank and file. The number of officers too, I notice in the line just above it, has been reduced by two and the number of constables by eight. I wonder if four constables are reduced for every sub-inspector of police, but I doubt that very much. However, I hope, my friend the Inspector-General will explain the situation.

Mr. R. J. S. Dodd : These petty reductions are explained on page 2 of my pamphlet. They are due mainly to the abolition of a tahsil here or the reduction in the strength of a thana there.

As regards the main question of further reduction I must say that I am as much dissatisfied as—probably more than—the honourable member himself with the reductions as they stand and that as far as I am concerned I shall not move for the reduction of another man of the rank and file in the whole force. I am authorized to say that my predecessor has already submitted proposals for a further increase. I hope it will be possible to deal with this, but the matter will have to be considered very carefully. We have now very nearly completed what the Civil Police Committee required us to do. We have to look round, take stock of what the result has been. I do not wish to go into details, but I may say generally that we find that we are short in respect to the rank and file. This is a matter which will come up again. At present we have considerable difficulty in some districts in carrying on the work. I think the honourable member may rest assured that there is no intention on my part to have any decrease.

Mr. Muhammad Aslam Saifi : I withdraw.

The motion was, by leave of the Council, withdrawn.

Motion No. 49.

Rai Bahadur Lala Mathura Prasad Mehrotra : I beg to move that the demand of Rs. 1,23,91,425 concerning district police at page 86 of the Civil Detailed Estimates be reduced by Rs. 1,001.

I do not want to repeat the points which have already been discussed on different motions. I just want to hear something about the special police force under Mr. Young as I was reminded of him on account of his presence in the galleries from 11 a.m. to just now i.e. 5 p.m. I want to know what the special police force is doing now-a-days. Is it still following the Bhantus or is it on some other special duty? I hope the Inspector-General will enlighten us on that point.

Mr. B. J. S. Dodd : I understand Mr. Young had a nice little printed report ready last year which was presented to the members of the House just before the police budget came on. I am afraid he has not sent me his report yet. That is not his fault as he has been extremely busy. Mr. Young has just finished the Bhanu gang case. The other day 108 Bhantus were sentenced to transportation for life. I think the Bhantus have received a knock-out blow. Then he has taken up the cudgels against the Aherias who live mainly in the Aligarh district and Rohilkhand division. He has prosecuted a large number of them and is now running a case against the Pasias. I think he has got 53 of these under-trial. Then he has a case against the Nats in Thakurdwara. Forty-two of these are being run in. They have been committed to the sessions. I can speak further to his good work. I was in the first range till I took over charge of this office and whenever I had an outbreak of dacoity which was beyond the district police, I wired for Mr. Young. When the wire found him Mr. Young used to come along at once and undertake to examine the cases which I handed over to him. At the present time he has something like 374 persons under trial—the Asaram gang in Saharanpur and the Mainpuri gang. I am not going into any great details, but I would like to tell the honourable member that at the present moment he has sent 213 dacoits to jail himself by his own efforts and has had only 18 acquitted. At the present moment he has 291 more under trial and 347 under arrest awaiting trial. How he manages this, I do not pretend to know; it is a matter between him and the Legal Remembrancer. I do not intend to say more here, but the total number of dacoits he has dealt with is 638. I do not say that it is entirely due to Mr. Young, but our dacoities are down by 25 per cent. from what they were last year. I think we all realize that the creation of Mr. Young's force was one of the wisest steps ever taken in police administration, and, I hope, we shall keep it until dacoities cease. I think this is all the information which the honourable member wants.

The motion was, by leave of the Council, withdrawn.

Motion No. 51.

Dr. Ganesh Prasad : I beg to move that the demand concerning district executive force be reduced by Rs. 100.

I had almost decided not to move this motion thinking that I could ventilate the two main grievances which I had in mind when I sent notice of this motion, on the motion of one of my friends who had moved a motion on district police force, but I find that those particular grievances were not considered by any one this morning. My first object in sending this

[Dr. Ganesh Prasad.]

motion was to elicit information from the Government benches about the condition of police administration in Ballia town. I may mention that the replies which I received from the Hon'ble the Home Member on March 22 were not satisfactory, but I do not wish to worry him. I have already written to the Inspector-General of Police and I understand that the matter is receiving his careful consideration. Therefore that grievance I leave and I take up another grievance in my capacity not as a native of Ballia but as the representative of the most learned constituency in these provinces. I find from the Civil List corrected up to January 26 that there are two gentlemen who are placed lower than they ought to be in the list of superintendents and they are Rai Bahadur Man Singh, B.A., who was appointed in 1918 to the rank of superintendent of police and he has got as many as four gentlemen shown above him, although they were appointed to superintendentships later. I can give the names :—

Mr. Smith, appointed in 1920.

Mr. Stronach, appointed in 1920.

Mr. Thomas, appointed in 1920.

Mr. O'Driscoll, appointed in 1919.

I should like to know from the Government why this discrimination has been made. The other case is of Thakur Karam Singh, B.A., L.L.B., who was appointed in October, 1922, and he is shown junior to Mr. Morgan, who was appointed in December, 1922. There might be good reasons which the Government would be able to put before this House, but unfortunately I being a representative of the graduates must ventilate their grievances. I remember having raised a debate in 1925 to say something about this kind of discrimination against Indian superintendents, and the replies which I received from Mr. Ashdown and Mr. Blunt were not entirely satisfactory. I, therefore, wish to know if the Government would like to look into the cases of these two men.

Mr. R. J. S. Dodd : I am afraid this matter has come to me as a surprise. I was not prepared to discuss it. However, I am ready to discuss it with honourable member outside the Council.

Dr. Ganesh Prasad : I had absolutely no intention of pressing this motion to a division because I know that our voting strength is too weak, but I wanted to have a statement from the Government on the floor of this House and to have my grievances recorded.

Hon'ble the President : It will be on record in the proceedings.

The motion was, by leave of the Council, withdrawn.

Motion No. 52.

Manvi Muhammad Obaid ur-Rahman Khan : I beg to move that the demand of Rs. 60,878 concerning allowances, honoraria, etc., under "Police Training School" at page 68 of the Civil Detailed Estimates be reduced by Rs. 5,000.

If honourable members will refer to page 67 of the Detailed Estimates they will find that the sum budgeted for 1925-26 was Rs. 45,118 and the revised estimate was Rs. 45,000. Then if they turn to page 68 they will see that under the head "Allowances, etc.," a sum of Rs. 63,528 is budgeted for the coming year—Rs. 2,650 for travelling allowance, and Rs. 60,878 for

prizes to students, etc. First I have a complaint to make and it is this, we have to look to two pages for these figures instead of to one, and the wisdom of this is only known to the Hon'ble the Finance Secretary of which we are not aware. If they had been given on the same page as usual it would have saved our labour to a great extent. Then I would request honourable members to refer to page 69 of the Memorandum; they will find that it is stated there that this increase of Rs. 18,000 under other allowances is due to the "extension of the course of training from 12 to 16 months and to the number of cadets admitted to the school being raised from 100 to 150." Certainly the Finance department does not mind hundreds, because they think that they are not worth consideration. I say this, because there is really an increase of Rs. 18,410 under this item. Just a couple of hours ago I came to know that the strength had been raised from 120 to 150; but in the memorandum it has been stated that it has been raised from 100 to 150. I do not know which figure is correct. I want to know the expenditure per head, so that we may see whether the increase is justified or not. At the same time, I want to know, whether this heavy sum of Rs. 60,878 is budgeted for prizes to students or whether it is put there by mistake or whether it is for any other purpose also; because last year we had only Rs. 500 for that purpose. I think that it is due to some mistake that this sum has been put here. If so, may I know whether they are budgeting for that purpose any sum or not; and, if not, why it was necessary last year and why not this year.

Mr. R. J. S. Dodd : Again I crave the indulgence of the House in trying to explain a matter of arithmetic. I do not think Mr. Blunt is to blame for this. The trouble lies in the alteration of the period of training. It used to be one year before and now it is eighteen months. I would ask honourable members to take the whole period of three years into consideration. When we trained year by year for three years it came to 360 men at 120 a year. Now when we train for eighteen months for three years it comes to 300 men at 150 every eighteen months. The whole point is that in three years we train sixty men less and that means, as honourable members must realize, that in the district executive force we shall show a corresponding saving. The Finance department alone know where the saving will occur with regard to these sixty posts of sub-inspectors. But there will be a saving equal to, if not greater than, the extra expenditure here.

The same remark applies to prizes. We gave 500 in the first year, 500 in the second year, and 500 in the third year. We now give 750 twice in three years. It comes exactly to the same thing. Greater number of students, greater number of prizes. In one year we shall have nothing at all, 750 the next year and again 750. In one year there will be nothing at all, because there will be no prize day in that year. This is a very complicated matter, but I am sure my honourable friend who represents the Allahabad University will bear me out that my mathematics are correct.

Dr. Ganesh Prasad : Very correct.

Mr. E. A. H. Blunt : As regards this trouble about pages. Here we see the hidden hand, not of the Accountant-General, but of the Auditor-General—a still more fearsome object. He has decreed that the head

[Mr. E. A. H. Blunt.]

"Police training school" should no longer be shown as a sub-head of the minor head district executive force, but should be shown as a separate minor head. Consequently the figures of this year appear on one page as a minor head, whilst last year's figures when it was still a sub-head, are shown on the preceding page.

As regards the mathematics to which Mr. Dodd referred, I too am not prepared to explain them. I can assure the House, however, that a saving *does* occur. Where, when and how it occurs, is really difficult to discover. But it does occur.

Maulvi Muhammad Obaid-ur-Rahman Khan : I do not wish to press the motion.

The motion was, by leave of the Council, withdrawn.

The Council was then adjourned to the following day.

APPENDIX A.

(See page 2 *supra*.)

(Statement referred to in the answer to starred question No. 8 asked by
LIEUT. RAJA DURGA NARAYAN SINGH on March 23, 1926.

Statement showing new appointments carrying a salary of Rs. 100
and over which have been created since the posts of divisional
superintendents were retrenched.

Post.	Incumbent.	Present pay.	Qualifications.
1. Lecturer in Oil Chemistry, Technological Institute, Cawnpore.	D. Y. Athawale ..	Rs. 350	M. Sc. Experience in oil technology.
2. Superintendent, Metal Working School, Aligarh.	B. S. Jaiman ..	100	Matriculate. Completed five year's course in mechanical and electrical engineering. Second class engineer.
3. Lecturer, Textile School, Cawnpore.	M. N. Bose ..	220	M.A.
4. Ditto ..	B. D. Sharma ..	220	Electrical and mechanical engineer.
5. Second assistant Textile School, Cawnpore.	B. V. Raman ..	150	S. L. C. and graduate of Victoria Jubilee Technical Institute, Bombay.
6. Machine Tool Instructor. Wood Working Institute, Bareilly.	S. B. Naidu ..	250	B.E. (Civil) Bombay University.
7. Superintendent, Leather Working School, Agra.	P. N. Bahadur ..	150	Trained at the Northampton Technical School.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Thursday, March 25, 1926.

THE Council met in the Council Chamber, Lucknow, at 11 a. m.
Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT :

(63)

Hon'ble Sir Samuel O'Donnell.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Hon'ble Rai Rajeshwar Bali.
Hon'ble Thakur Rajendra Singh.
Hon'ble Nawab Muhammad Yusuf.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. B. D'O. Darley.
Mr. H. A. Lane.
Mr. K. G. Harper.
Mr. R. Burn.
Mr. A. W. Pim.
Mr. B. J. K. Hallows.
Mr. C. M. King.
Mr. H. G. Billson.
Mr. R. J. S. Dodd.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Raja Muhammad E'jaz Rasul Khan.
Mr. H. C. Desanges.
Mr. H. David.
Babu Khem Chand.
Babu Kishan Lal.
Babu Jai Narayan Chaudhri.
Rai Jagdish Prasad Sahib.
Chaudhri Jaswant Singh.
Rai Sahib Chaudhri Sheoraj Singh.
Pandit Nanak Chand.
Lala Babu Lal.
Rai Bahadur Babu Ram Nath Bhargava.

Rai Amba Prasad Sahib.
Rai Bahadur Pandit Kharagjit Misra.
Rao Sahib Kunwar Sardar Singh.
Pandit Brijnaudan Prasad Misra.
Lieut. Raja Durga Narayan Singh.
Raja Narayan Pratap Singh.
Raja Sri Krishna Dutt Duba.
Rai Sahib Babu Dip Narayan Roy.
Rai Bahadur Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.
Raja Shankar Sahai.
Rai Bahadur Thakur Mashal Singh.
Kunwar Surendra Pratap Sahi.
Mr. Muhammad Aslam Saifi.
Lieut. Nawab Jamshed Ali Khan.
Mr. Muhammad Ismail Ali Khan.
Maulvi Muhammad Obaid-ur-Rahman Khan.
Khan Bahadur Shaikh Masud-uz-Zaman.
Dr. Shafa'at Ahmad Khan.
Saiyid Muhammad Ashiq Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Bahadur Hakim Mahbub Ali Khan.
Khan Bahadur Mr. Ashiq Husain Mirza.
Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Mr. St. George H. S. Jackson.
Lala Behari Lal.
Rai Bahadur Lala Mathura Prasad Mehrotra.
Raja Shambhu Dayal.
Lieut. Raja Shaikh Imtiaz Rasul Khan.
Raja Jagannath Bakhsh Singh.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

GARDEN CIRCLE CADRE OF THE AGRICULTURAL DEPARTMENT.

*1. **Rai Bahadur Babu Vikramajit Singh** : How many posts of deputy directors, superintendents and overseers are sanctioned in the Garden circle cadre of the Agricultural department ?

How many of these are filled up ?

How many of the incumbents are (a) permanent, (b) officiating, (c) temporary, and (d) on leave ?

Hon'ble Thakur Rajendra Singh : One deputy director, five superintendents and four overseers. Nine. All the incumbents except one overseer are permanent in their own grades, but one superintendent is officiating as deputy director, three overseers as superintendents and one outsider as overseer. One officer, the deputy director, is on leave.

***2. Rai Bahadur Babu Vikramajit Singh :** (a) In response to the assurance given by the Hon'ble the Minister for Agriculture to this Council during the budget discussion in 1924, has any Indian been appointed in the Garden circle cadre ?

(b) If the reply is in the affirmative, is he permanent ? If not, why not ? When will he be made permanent ?

Hon'ble Thakur Rajendra Singh : (a) Yes.

(b) He is serving in an officiating vacancy. Government will consider the question of making him permanent when a vacancy arises.

PANDIT BANSIDHAR, PRISONER.

***3. Rai Bahadur Babu Vikramajit Singh :** (a) Is the Government aware if a prisoner named Pandit Bansidhar, son of Raghubar Dayal, Brahman, of village Bethar, police station Achalganj, Unao district, at present in the Allahabad central prison, has completed 14 years of his sentence which was passed on January 19, 1912 ?

(b) Was his case submitted to the Government for consideration after the completion of fourteen years' sentence under the rules and regulations of the Jail Manual ?

(c) Has he earned any ordinary or special remissions ?

(d) Is the Government going to take any action in his case ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The prisoner was sentenced to transportation for life under section 302, Indian Penal Code, on January 1, 1912. He was sent to the Andamans on July 19, 1912, and received back in Naini central prison on July 27, 1924. He had earned up to and including December 31, 1925 two years, eight months and twenty days remission, including two years, five months Andamans special remission, which is calculated on the basis of the balance of sentence remaining at the time of repatriation in order to compensate for the more rigorous conditions of confinement in a jail. His sentence has not been commuted to one of rigorous imprisonment and he is still serving, although in an Indian jail, a sentence of transportation for life. The fourteen years' rule referred to by the honourable member does not therefore apply to his case, and under the rules applicable to transportation prisoners his case will be submitted to Government when he has served twenty years including remissions, which will occur about November 24, 1926. His case, however, has already been before the revising board of the Naini central prison, who recommended that it should be postponed indefinitely. He was returned from the Andamans with his nominal roll marked "Incorrigible."

CAWNPORE-UNAO ROAD.

***4. Rai Bahadur Babu Vikramajit Singh :** (a) Is the Government aware that the road between Cawnpore and Unao is very unsatisfactory for vehicular traffic ?

(b) Is the Government aware that two bridges are under construction?

(c) Is the Government in a position to state if the bridges will be open to traffic before the rainy season begins? Will the Government take steps to rectify the road and to open the bridges for traffic during the rainy season of 1926?

(d) Will the Government be pleased to state what has been the cost of construction of these two bridges?

Hon'ble Nawab Muhammad Yusuf: (a) The condition of the road between Cawnpore and Unao is admittedly unsatisfactory, but under the reconstruction programme it is proposed to renew these miles with asphalt grout and, if funds permit, three miles will be treated during 1926-27.

(b) Yes.

(c) The bridges will be open for traffic before the rains of 1926, unless any unforeseen circumstances occur. The condition of the road surface will be improved during the rains of 1926 as far as funds permit.

(d) Rs. 3,13,340.

COMPARATIVE PROPORTION OF HINDUS AND MUSLIMS IN VARIOUS
LOCAL BOARD AREAS.

* 5. **Rai Bahadur Thakur Mashal Singh:** Will the Government be pleased to lay on the table a statement containing the following information districtwise:—

(a) Number of males belonging to the Hindu and Muslim communities in—

- (1) district board areas,
- (2) municipal areas,
- (3) cantonment areas?

(b) Percentage of the above two communities to the total male population in—

- (1) district board areas,
- (2) municipal areas,
- (3) cantonment areas?

(c) Number of Hindu and Muslim (male) scholars in the schools in the district board and municipal areas, and their percentages to the total number of scholars in the district board and municipal areas respectively?

Hon'ble Sir Samuel O'Donnell: (a) and (b) The honourable member is referred to the last Census report. The Government cannot undertake to extract the information asked for without a disproportionate amount of labour which the public interest would not justify.

(c) An answer will be given at a later date.

Rai Bahadur Thakur Mashal Singh: Will the Government be pleased to furnish the information asked for in the question if it is found to be ready in the office of the D. P. I?

Hon'ble Sir Samuel O'Donnell: Certainly; but I thought that the only place where it could really be found was the Census report.

Rai Bahadur Thakur Mashal Singh : If the information which I have solicited is ready, will the Government kindly place it before the Council ?

Hon'ble Sir Samuel O'Donnell : Yes.

DELEGATION OF POWERS BY COMMISSIONERS.

* 6. **Thakur Rajkumar Singh :** Will the Government be pleased to state—

- (a) what commissioners have delegated their powers to collectors, and what powers ;
- (b) what collectors have delegated their powers to deputy collectors, and what powers ;
- (c) what has necessitated the delegation of these powers ?

Hon'ble Sir Samuel O'Donnell : It is presumed that the powers referred to are appellate powers.

(a) The Commissioners of Meerut, Agra, Allahabad, Rohilkhand Benares and Gorakhpur have delegated to collectors power to hear appeals from decisions of assistant collectors of the first class in suits under sections (31)2, (31)3, 49, 63, 79, 80, 86, 95, 96 and in applications under section 59 of Act II of 1901.

(b) Collectors cannot delegate their appellate powers, but Government in exercise of the powers conferred by section 223 of Act III of 1901 invest assistant collectors of the first class with the appellate powers of a collector, when desirable.

(c) To secure a more convenient and speedy despatch of business.

* 7. **Thakur Rajkumar Singh :** Will the Government be pleased to state—

- (a) whether these collectors and deputy collectors hear appeals as commissioners and collectors decided by themselves as collectors and deputy collectors respectively ;
- (b) whether these collectors and deputy collectors do official court work in their own official capacity or not ?

Hon'ble Sir Samuel O'Donnell : (a) Officers do not hear appeals from their own decisions.

(b) So far as the question is understood, the answer is in the affirmative.

NOMINATION OF MUNICIPAL BOARD MEMBERS.

* 8. **Thakur Rajkumar Singh :** Will the Government be pleased to state when it is going to announce the names of the members nominated for the municipal boards ?

Hon'ble Nawab Muhammad Yusuf : When the members have been selected.

ELECTORAL ROLLS.

* 9. **Thakur Rajkumar Singh :** (a) Will the Government be pleased to state whether those possessing a voter's qualifications at the time of the preparation of the electoral rolls are entitled to have their names entered as such or not ?

(b) Is the Government aware that only the names of those are entered whose names appear in the *khataunis* of a previous year?

(c) If so, will the Government be pleased to issue instructions to the officers concerned?

Hon'ble Sir Samuel O'Donnell : (a) Yes.

(b) and (c) It is the duty of officers preparing or revising electoral rolls to make them as complete and accurate as possible, and the Government have no reason to believe that in the past these officers have neglected that duty. The necessary instructions will be issued when revision of the rolls is ordered.

RESEARCH SCHOLARS OF ARABIC AND PERSIAN.

* 10. **Maulvi Muhammad Obaid-ur-Rahman Khan :** (a) Is it a fact that some post-graduate students in Arabic and Persian are working in the Allahabad University as research scholars and they are awarded a scholarship?

(b) If the reply is in the affirmative, what arrangements have the University authorities made for the proper conduct and guidance of their studies?

Hon'ble Rai Rajeshwar Bali : (a) Yes.

(b) They are working under the guidance of the Head of the department and his colleagues.

* 11. **Maulvi Muhammad Obaid-ur-Rahman Khan :** (a) Is there any teacher on the staff of Arabic and Persian in the university who has familiarized himself with the modern methods of research and investigation?

(b) If the reply is in the negative, will the Government be pleased to ask the university authorities to appoint a professor of modern European education in Arabic and Persian to suit the status of the mother university?

Hon'ble Rai Rajeshwar Bali : (a) Yes. Government are informed that there is such a teacher.

(b) Does not arise.

Maulvi Muhammad Obaid-ur-Rahman Khan : Will the Hon'ble Minister kindly let me know if that gentleman has received any training in Europe?

Hon'ble Rai Rajeshwar Bali : I have no information.

Maulvi Muhammad Obaid-ur-Rahman Khan : Will the Government be pleased to make inquiries about it?

Hon'ble Rai Rajeshwar Bali : Yes.

UNSTARRED QUESTION.

CIRCULAR REGARDING VACANCIES IN CIVIL SECRETARIAT.

1. **Maulvi Abdul Hakim :** Will the Government be pleased to state whether G. O. No. 275/Ex., dated February 29, 1924, of the Executive department of the Government has been sent to district judges also for recommending suitable clerks for vacancies in the Civil Secretariat? If not, what is the reason?

How many clerks from the subordinate offices have been appointed in the Civil Secretariat in accordance with the above order, and how many belonged to the district judges' offices?

Mr. G. B. Lambert : (a) No. The circular was addressed only to Heads of departments and Commissioners and not to subordinate officers.
(b) None.

FINANCE COMMITTEE.

Hon'ble the President : The following have been elected as members of the Finance Committee for the year 1926-27 :—

Lieut. Nawab Jamshed Ali Khan.

Mr. Muhammad Aslam Saifi.

Pt. Nanak Chand.

Rai Bahadur Thakur Mashal Singh.

Rai Bahadur Lala Mathura Prasad Mehrotra.

Rai Sahib Chaudhri Sheoraj Singh.

Rao Sahib Abdul Hameed Khan.

Rai Bahadur Thakur Hanuman Singh.

The new Finance Committee will come into existence on April 1.

BUDGET, 1926-27.

DISCUSSION OF DEMANDS FOR GRANTS.

Demand No. 24.

HEAD 26—POLICE.

Motions Nos. 54 to 56—Not moved.

Motion No. 57.

Lieut. Raja Durga Narayan Singh : I beg to move that the demand concerning rewards to chaukidars under "Allowances and honoraria" at page 69 of the Civil Detailed estimates be reduced by Rs. 10,000.

The chaukidars are a body of men who do considerable harm to innocent persons in the villages. I know of many instances where they have brought false cases against the poor tenants in order to please the superintendent of police and the sub-inspectors. From the police report of 1924 it appears that no less than 783 persons were punished and 343 suspended during the year, and rewards to the amount of Rs. 47,196 were given to chaukidars. I therefore move that rewards should no longer be given to this irresponsible set of persons.

Mr. R. J. S. Dodd : I cannot agree with the honourable mover that no rewards should be given to chaukidars. I should like to explain the position in regard to these rewards. These rewards are given for good service, that is to say, for arresting accused persons and dacoits, and not for running false cases. During the last year numerous cases have occurred in which the chaukidars have shown pluck and bravery and some of them have lost their lives when trying to arrest dacoits. Rewards are given to chaukidars not only for this work, but also for reporting at thanas matters connected with their villages which have to be reported. To report the movements of bad characters is one of their primary duties. The chaukidar is paid Rs. 3 a month. There is no menial of any kind who would work for such a small sum. This Rs. 3 is really a retaining

fee, and therefore whatever the *chaukidar* does beyond his periodical reporting at *thanas* is extra duty. The Civil Police Committee fully recognized this when they first made reductions in the number of *chaukidars*. They then said that the remainder would have to do a good deal more reporting than they did in the past, and that therefore it was necessary to increase the allowance which was given to them, and this they gave in the form of rewards. If a *chaukidar* has four or five bad characters in his village who are continuously moving about and misbehaving, he has to go to the *thana* and report what they are doing, and reward is given for this work. Actually the Rs. 40,000 given us this year is inadequate for our needs, but that is a case of disagreement between myself and Government in the Finance department into which I need not go here. The amount of rewards given in other provinces is far greater than those we give here. As I have already said, there are numerous instances, apart from this fee for extra duties, of excellent work and rewards are fully earned.

Lieut. Raja Durga Narayan Singh: The argument of my friend the Inspector-General of Police is not at all convincing to my mind. In the circumstances I do not wish to withdraw my motion.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: The position is exactly what has been explained by the Inspector-General of Police. These rewards are not given to *chaukidars* only for reporting ordinary crimes, but for working as policemen in arresting dacoits. They have also to make reports about the movements of notorious *badmashes* and they help in arresting absconders. For such work they are given rewards. The honourable members can well imagine that for the petty sum of Rs. 3 a month they cannot be expected to risk their lives in the arrest of dacoits and bad characters. Unless we give rewards, *chaukidars* will have no incentive to do all this good work. In the circumstances I hope the honourable members will not demand the reduction of the amount required for rewards.

The motion was put and negatived.

Motion No. 53.

Maulvi Muhammad Obaid-ur-Rahman Khan: I move that the demand of Rs. 15,87,528 concerning *chaukidars* under "Village police" at page 69 of the Civil Detailed estimates be reduced by Rs. 100. My object in moving this token reduction is just to draw the attention of the Government to a decrease in the number of *chaukidars*. Some time ago their number was decreased and it was decided to make a further reduction later on. But year before last, when this question came up, this Council voted against any further reduction. The result of the decrease that has already been made in the number of *chaukidars* is that work suffers a good deal; as one *chaukidar* is now entrusted with the work of four or five villages it is impossible for him to look after such a large area and make reports to the police station at the proper time. Previously there used to be one or two *chaukidars* for one village, and the result was that they could patrol at night. Now when a *chaukidar* has to look after four or five villages, this patrolling at night is impossible. It may be said that if the number of *chaukidars* is raised, more money would be required. But those who contribute crores of rupees to the Government in the shape of land revenue, etc., can very well expect the Government to take proper care of them. The next point is about

[Maulvi Muhammad Obaid-ur-Rahman Khan.]

the increase in the pay of chaukidars. As everybody knows, it is not possible for a man to live on Rs. 3 a month, more especially when everything is so dear. I would therefore request the Government to raise their pay from Rs. 3 to Rs. 5. The Economy Committee have made recommendations concerning different departments, but they have taken the strictest view in the case of chaukidars only. If honourable members will refer to page 69 of the Detailed estimates, they will find that there is a decrease of Rs. 10,000 in the amount budgeted for rewards to chaukidars this year. This means that they will now get money in the shape of rewards very much less than the last year. In these circumstances I hope honourable members of this House will agree with me when I request the Government to raise the number of chaukidars to what it was before so that safety of villages may be sure and reports may be made at the proper time to the police station and there may not be delay in investigation on account of the report being made not in time.

With these remarks I commend my motion to this honourable House.

Lieut. Nawab Jamshed Ali Khan : I quite approve of the remarks made by Mr. Obaid-ur-Rahman Khan. Undoubtedly, the decrease in the number of chaukidars is very troublesome. Many offences are never reported at the thana by complainants. Sub-inspectors, in the absence of chaukidars, do not in the majority of cases find it possible to gather informations concerning such offences. The result is that many offenders escape detection and punishment. The decrease in the number of chaukidars is also responsible for the fact that numerous births and deaths remain unreported. It is therefore very necessary that their number be adequately raised at an early date.

Rai Bahadur Lala Mathura Prasad Mehrotra : In a fit of unsound economy the Government reduced the post of chaukidars, giving out that they were going to make economy in the Police department. Those who are weak are always subject to oppression, which tallies with the principle of the survival of the fittest. When we had motions for the reduction of post of Deputy Superintendent of Police and the Deputy Inspector-General of Police for Criminal Investigation department the Government could not see its way to give effect to it, but when the question of chaukidars came Government was pleased to accept it and they wanted to try it, so much so that by 1924 they reduced the number of chaukidars from 87,000 to 44,000.

The duties of the chaukidars are very important. They have to keep watch and ward over the villages entrusted to them, as well as to keep their eyes upon the persons of bad characters, who often commit dacoities and thefts. So these important duties have been lost sight of when the reduction in the number of chaukidars was given effect to. The result is that a number of villages are entrusted to one chaukidar in which he cannot possibly make a round even once a week. Crimes that are daily occurring are passed undetected and they cannot be brought to the notice of the police because the chaukidar cannot fulfil his duty properly. He gets only Rs. 3 per mensem, and for this sum the Government wants him to keep supervision over a number of villages, which I consider is impracticable and impossible. In 1924 it was brought to the notice of the Government on the floor of this House that the number of

chaukidars should be increased and brought to the former level, but I find that the Government has not given effect to it, as the number and the amount budgeted for is the same as of the last year. Where there is a chance of economy the Government is not ready even to try as an experiment, but where there is no chance of economy the Government is ready to make experiment. The non-official members have been pressing upon the Government for the last two years the undesirability of this false economy, but the Government is not going to consider. I do not know for what reason. I think it is but right for the Government to increase the number of chaukidars and make economies in other directions in which there is every room. I hope the Hon'ble the Home Member will consider the matter very seriously.

Bai Bahadur Thakur Mashal Singh: I entirely agree with the honourable mover of the cut in his observations in regard to the reduction of the posts of chaukidars. The Civil Police Committee submitted its report long before the appointment of the Retrenchment Committee. These recommendations of the Civil Police Committee were taken into consideration by Government and they came to the conclusion that the posts of chaukidars should be abolished. I hope the Government must have learnt by this time whether this move of the Government was a right one or whether they were in a way misguided by the conclusions of the Civil Police Committee. The chaukidar's first duty, as we understood, was to watch the village in which he was appointed. Now he has been made simply a reporter of crimes. He has no time to make rounds in the night in his own village, nor is he responsible for the safety of person and property of villagers. Even in the work of reporting crimes, so far as my knowledge goes, since the abolitions of posts of chaukidars there has been much concealment of crime. All the crimes are not regularly reported. The chaukidar, I should say, is not a servant. He rather gets an allowance for the work of reporting crimes which he does. He is engaged in his village in his own private cultivation or other works and he cannot devote the whole of his time for the scanty pay of Rs. 3. Therefore, the first point that I would urge in this connexion is that as he is very low paid, his pay must be doubled at least. I think on the face of this earth you will not find a man whom you can employ for Rs. 3 a month. The Government knowingly commits this mistake, and I think the first step which the Government should take is to double the pay of these chaukidars. Even if it does not increase the number of chaukidars, it must double the pay and then the Government certainly can expect good work from chaukidars. At present they simply go to report crimes and there they are employed on watering gardens of the sub-inspector, or on doing some *khidmatgari* work of the sub-inspector or the superintendent of police. They certainly do not do their own work. Though I am afraid my honourable friend the Inspector-General of Police will become a little hot with rage, but I tell him the truth, as I have seen this with my own eyes. These chaukidars do the work of menials such as *khidmatgars*, gardeners and syces. I think any servant of the Government who is employed for specific duties should not do these works. His work is to watch the village and to report crimes. He ought not to be required to do all these works which are exacted from him. The chaukidar's fate is very deplorable. His pay is so insignificant that many chaukidars have now turned into dacoits and thieves, because when you give them Rs. 3 per month, how can you

[Rai Bahadur Thahur Mashal Singh.]

expect them to be honest. So I think the first duty of the Government is to raise the pay of the chaukidar from Rs. 3 to Rs. 6 or Rs. 7. The experiment which was being made is now, I think, finished, and if the Government comes to the conclusion that the number is inadequate, it is also advisable that the number may be increased.

Pandit Nanak Chand : I had no intention to speak on this question, but the turn which the discussion has taken has induced me to say a few words in connexion with this question of village chaukidars. I associate myself with every word that has fallen from Rai Bahadur Thakur Mashal Singh that the chaukidars are very frequently used as menial servants by sub-inspectors and other officers of the Police department. But where I differ from him and the mover of the motion for reduction is when they say that the Government committed a mistake in accepting the recommendations of the Civil Police Committee. I hold that the post of chaukidar is one which can never be useful in its present form. The pay that is paid to them for the part-time service, they are not whole-time servants, is admittedly inadequate and no Government can expect that, for a paltry sum of Rs. 2-13, which has now been raised to a very respectable sum of Rs. 3 per month, the chaukidars could put their heart into and discharge the functions just enumerated by the honourable members of this House. A man who would accept that paltry job of chaukidar cannot be expected to be a man of very independent views and will always be liable to influences of various kinds. One of the important duties he is expected to perform is to watch the movements of bad characters. Honourable members can very well imagine whether these bad characters are not usually a desperate set of people, who exercise considerable influence in their villages and whether the chaukidar is usually in a position to properly watch their movements. The status and position of the chaukidar is such—I do not deny that there are not one or two exceptions here and there—that he is amenable to numerous influences brought to bear upon him by village bad characters, and therefore chaukidars cannot be expected to discharge their duties as satisfactorily as they are expected to.

The other important question is of watch and ward. It has been pointed that since the abolition of a number of chaukidars this work has not been done. I wish to point out first of all that chaukidars are not armed with any weapons worth the name, and they do not, as is supposed, usually go out to patrol the villages every night. Even granting that they do so now and then, they have got no weapon with them.

Rai Bahadur Lala Mathura Prasad Mehrotra : They are armed with bows and arrows.

Pandit Nanak Chand : They go about with a small ammunition *lathi*.

That *lathi* is not a sufficient protective weapon for a chaukidar if he is confronted with dacoits or thieves, who are sometimes found armed with fire-arms.

Mr. Muhammad Aslam Saifi : It is meant to be a curative weapon.

Pandit Nanak Chand : From all this I come to the conclusion that this work of watch and ward cannot be satisfactorily discharged and was not satisfactorily discharged in the past by these chaukidars.

The other question is the question of reporting of crimes. Some of my friends have suggested that since the change was introduced, that is to say, since the number of chaukidars was reduced, crimes have not been regularly reported. No figures have been supplied to us by which we could compare the situation as it existed before when the number of chaukidars was as it used to be to the situation as it is today after the reduction of a substantial number of chaukidars. I know that there are many offences that are not reported. Even if you increase the number of chaukidars to its former level, it will not yield better results; for there is a tendency among the rural areas and to some extent even in urban areas not to report many offences which are either compromised or hushed up on account of local circumstances.

So the number of chaukidars is not likely to affect the number of reports of such offences. If the honourable members are keen on the proper watch and ward of rural areas, as all of us should be, I would suggest to the Government to consider the question of employing beat constables for every group of villages on a larger scale; these constables will be trained and whole-time men getting their full and proper monthly pay, who can be entrusted with some suitable weapon in the shape of, say, a rifle or some other fire-arm. If the bad characters know that a beat constable watches their movements they will keep themselves within their proper limits; the thieves and dacoits who commit offences of property will not feel it safe to go out to commit offences if they know that they are liable to come across a beat constable who may be armed with a fire-arm. I consider the introduction of beat constables to be a more efficient substitute for chaukidars than the retention of the chaukidars or even increasing their number.

Rai Bahadur Thakur Hanuman Singh: I fail to agree with the honourable mover of the motion. The decrease in the number of chaukidars has not affected the police administration to any great extent. As regards the reporting of crimes I may say that there was concealment when the number of chaukidars was nearly double of what it is today. As regards the watch and ward I would say that the chaukidars never cared to make a round of the villages of their beat during nights, what to say of other villages. I have been a Government officer, and I used to go on tour. The chaukidars who used to come to keep watch and ward of my camp used to sleep in the night without taking any care of my property.

Rai Bahadur Thakur Mashal Singh: What did the honourable gentleman pay to the chaukidars?

Rai Bahadur Thakur Hanuman Singh: Nothing. They were paid by the Government, and I was a Government servant and there was a Government office with me. I hope all those gentlemen sitting in this Council who have occasion to tour much will bear testimony to what I say. As regards the surveillance of bad characters, I can say that the help of the chaukidar was never useful. The number as existing at present is to my mind quite sufficient to carry on the police work in the rural areas. No doubt the zamindars do certainly feel the decrease in the number because they used to employ them as their peons.

Several honourable members: Question.

Rai Bahadur Thakur Hanuman Singh : It is correct. I am a villager ; I am a zamindar, and I know all that. Of course for that they used to pay them on the occasions of marriages, festivals, etc. Now they cannot expect the same work from them, even if they pay as they used to pay before this, so they want an increase in the number of chaukidars at the cost of the Government.

Then, Sir, as regards the increase in the pay of the chaukidars, I would say that if you increase the present amount to six, seven or even eight rupees they would continue to work as they do at present. You cannot expect much better work from them. I know that all those Government officers drawing much higher salary than the pay of a chaukidar, when they are stationed near their home, always feel a tendency to attend to their domestic work more than to the Government work. In these circumstances I think the pay which is being given to the chaukidars is quite enough for the work they are doing. It is a sort of honorarium which they get, and they are not discontented with that at all because they have freedom to carry on cultivation and they have freedom to absent themselves for a day or two, even without the permission of the thanadar, for their private business.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The poor chaukidar seems to have attracted the attention of the members of this House. From some quarters the chaukidars were criticized sympathetically, from others adversely ; from some quarters proposals were made to increase their pay ; from others it was said that any increase would be undesirable. However, it must be a source of satisfaction to this poor service to know that the representatives of the people and the members of this Legislature are interested in their poor lot. I shall reply by taking every criticism one by one.

First of all, I wish to say a few words in reply to the criticism made by my honourable friend the mover. I would like to tell him that when I was a non-official and when this policy was launched first I was very doubtful about the soundness of the policy of reduction in the number of chaukidars, and I would further admit that now we feel that perhaps the reduction has gone too far.

However, the whole question is a financial question, and it is impossible for me to make any promise or to commit myself in any way at this stage, but I am glad to put before the members of this House a few figures which may be of interest to them in connexion with the chaukidars. The original number of chaukidars in 1912 was 87,903 and it has been reduced to 43,789 in 1925 ; so it means that we have almost halved the number of chaukidars during five years. I would further like to submit to the members of this House that as far as village police is concerned they will find that while in Bihar and Orissa they are spending Rs. 41 lakhs over the village police, and in Bengal they are spending Rs. 57 lakhs, we are spending only Rs. 17 lakhs over village police, and therefore the honourable members can well imagine that we are spending much less than the other provinces as far as our village police is concerned.

Mr. Muhammad Aslam Sa'ifi : Why is it so ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Now, I would like to say a few words about the criticism that was made by my honourable friend coming from my own district. He started with saying

that he sympathized with the honourable mover, and I would admire his ingenuity in sympathizing in such a way that he destroyed the whole case of the honourable mover by his sympathy. Perhaps he is a great believer in that Indian proverb in which they say *اگر گڑے مڑے تو زہر کیوں دے* He wants to kill it by *gur* instead of killing by arsenic. There is another proverb in English that "the worst enemy of good is the best." Therefore he put up a proposal before the House which is "the best," to destroy the present proposal of the honourable mover. He said that there should be beat constables instead of chaukidars and that they should be armed with guns, and so on and so forth, and put such a proposal before the House which is financially impossible to carry out. I would simply say that this is a very good way of destroying the case because he did not oppose it and still he has destroyed it very easily.

Pandit Nanak Chand : Has the Hon'ble the Home Member got it worked out financially ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : We have not worked it out, but most probably the cost will be about a crore a year.

Now in closing my speech I can only say that the criticism made in connexion with chaukidars will be considered by Government.

Mr. Muhammad Aslam Saifi : It was not my intention to speak in connexion with this motion, but I find that the point that I wanted to raise has been already included in the discussion. Therefore I think I had better speak on this. Like yesterday, if my honourable friend the Inspector-General of Police does not mind, I want to worry him regarding a query similar to that I made about the constables. I notice in the budget that the number of chaukidars has been reduced and therefore I want to inquire from him as to the policy that his department wants to pursue in this connexion—whether gradually the number of chaukidars as we find today is to be abolished altogether or has the department fixed any minimum ? I suppose he is not unmindful of the fact that in the number of reports of cases of crimes that occur in the rural area a great reduction has taken place. And I suppose it is nothing else but this reduction of chaukidars which is responsible for it. I am not in possession of any statistics to be able to convince the House that it is entirely due to this fact, but I hope my honourable friend the Inspector-General of Police will be able to prove his case by means of statistics, which I hope he has got with him. In connexion with the motion that is now under discussion several points have been raised. One of them is that these poor chaukidars receive such a respectable allowance that it should be raised to something higher. My friend Pandit Nanak Chand has suggested the magnificent sum of six or seven rupees. But before he brought himself to make such a proposal he said the chaukidar is amenable to the influence of all sorts of bad characters and desperados in the rural areas. I wonder if this great sum of six rupees will act as a preventive against his receiving any presents from such people.

Pandit Nanak Chand : I did not propose any sum of six or seven rupees. I suggested only the employment of constables.

Mr. Muhammad Aslam Saifi: I stand corrected. But all the same I noted it down here that he had proposed this sum, but since he denies it I am not going to insist upon it. If he did not, then somebody else did. In my opinion, Sir, if my honourable friends here are prepared to criticize an officer of the status of sub-inspector of police and say that he is not free from corruption, I wonder how they can bring themselves to suggest that a sum of six rupees will stand between corruption and the chaukidar. I am not going to be drawn into any side discussion into which my friend Mr. David is trying to inveigle me. One of the honourable members remarked that chaukidars are required by their superior officers, by sub-inspectors, to do private service for them. I think there is some truth in this, but I always thought that that sort of service was voluntary on the part of the chaukidar. He could not be forced to do it. Another honourable friend remarked in the course of his speech that a great many crimes now take place in rural areas and they are on the increase, and they go undetected because either the number of the chaukidars has been reduced, or because they are not well paid. I do not think it is one of the duties of the chaukidar to detect crime, and secondly I think he is incapable of detecting crime. The only thing he can possibly do is that as soon as a crime comes to his notice he must report it to the nearest thana. The Hon'ble the Home Member has given us no definite reply with regard to the future policy of the Government in this connexion, and I suppose he has tried to avoid the question by introducing the consideration of finances. Of course there is not one single question, I mean Government question, which is not directly or indirectly connected with finances. Government is able to find the finances for whatever proposals they have set their hearts upon, but if suggestions are made from the cross benches or from the non-official side, then of course the spoke of finances is put into the wheel of these suggestions. The Hon'ble the Home Member also told the House that the Government of Bihar and Orissa spends something like Rs. 41,00,000 on chaukidars and the Government of Bengal spends about Rs. 57,00,000 and our Government spends only Rs. 17,00,000. He further said this is much less than the expenditure in other provinces. I asked him a question then. Perhaps it might not have been loud enough for his noble ear. The question was "why?" There must be some explanation at least vouchsafed to the House why should Government confine itself to Rs. 17,00,000. If any money is spent we must have an equivalent value. We notice crimes are on the increase, we notice that chaukidars are not provided for each village, we discover that these crimes should be at once reported to the nearest thana, and further we find the number of chaukidars being reduced year by year, not taking into consideration the decrease of eleven that I have specifically brought to the notice of the Inspector-General of Police. I hope the points that I have brought to his notice will be cleared up by him.

Raja Shambhu Dayal:

جناب پریسیدنٹ صاحب —

چوکیداران کے متعلق ایک دن میں نے اپنی تقریر میں خیال ظاہر کیا تھا جب کہ رائے بہادر ٹھاکر مشعل سنگھ صاحب پٹواروں کے ایڈمنسٹریٹو کے متعلق تجویز پیش کر رہے تھے۔ چوکیداران کی تنخواہ نہ بڑھانے کے یہم معنی ہیں کہ گورنمنٹ چاہتی ہے اور دیدہ دانستہ چشم پوشی کرنی ہے کہ رعایا خوب لقمہ — اسے

بات سے کہ یہ اے (A) ٹالس کے کانسٹیبل بنائے جائیں یا بی (B) کے یا سی (C) کے اس پر مجھے کوئی بحث نہیں ہے - ضرورت اس بات کی ہے کہ کافی تعداد چوکیداران کی بڑھائی جائے اور پوری تنخواہ اُن کی مقرر کی جائے - محض ۲ روپیہ ۱۳ کی تنخواہ ہے -

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: It is rupees three.

Raja Sambhu Dayal:

خیر تین سہی اس کی بابت میں یہ عرض کروں گا کہ یہ تنخواہ کتنی کم ہے۔ اس کی گذارش کرنے کی ضرورت نہیں ہے - میرے خیال میں تنخواہوں کے بڑھانے سے مالی تکلیف ہوگی اور یہ کہا جائیگا کہ اتنا روپیہ نہیں ہے لیکن مدت سے یہ بحث ہو رہی ہے کہ ذہنی سوپرٹنڈنٹ یا انسپیکٹران پولیس گھنٹا دیئے جائیں اور اس کے متعلق پچھلی کونسل میں ریزولوشن بھی آیا تھا کہ انسپیکٹران تو دیئے جائیں لیکن اس وقت تک یہی گورنمنٹ نے کوئی دھیان نہیں دیا - میرے خیال میں چوکیدار کی تنخواہ کم سے کم ڈبل ہونا چاہیئے اور اس کام کے لیئے یہ جو بڑے بڑے فصول عہدہ ہیں اور جن کے رہنے سے کوئی فائدہ نہیں ہے انہیں تخفیف کر دی جائے - (تہتہ) *

Maulvi Muhammad Obaid-ur-Rahman Khan: I am very thankful to those members who have supported me, and at the same time I am much grateful to Government for their sympathetic reply, but I am really astonished to hear the opposition of those members who represent rural areas in this House. One of them, Pandit Nanak Chand, has made a proposal which has been well described by the Hon'ble the Home Member in his speech, and what I want to add to it is that his proposals seemed quite good, but they are absolutely not worth giving effect to, and I may say that there is no logic in it that either conditions of chaukidars should be improved to such a degree as is not possible, or they should not be improved at all. How is that logical? تا تریاق از عراق آردہ شود

When the present generation of chaukidars will die and we will not be here to safeguard their interests, then perhaps those proposals of his will take effect. Panditji may live for such a long time, but I have no hope of living so long. My esteemed friend Rai Bahadur Thakur Hanuman Singh has made a very peculiar remark which I never expected from him. He says these people are not fulfilling their duties, therefore he is not in favour of increasing their number or their pay. May I tell him, Sir, that there is scarcely any official in India in the subordinate service about whom we can say he is free from all shortcomings? Then, does the same principle apply that their posts should also be abolished? I have found him always an ardent supporter of the subordinate services. I can cite examples of those shortcomings which they commit every day. What I say is that there should be an increase in the number of chaukidars and if they commit certain mistakes efforts should be made to improve their condition and to increase their pay. When it is decided that there is a great need for chaukidars, and when it is known that there has been a deficiency in the work owing to the decrease in their number, what we should do is to increase their

[Maulvi Muhammad Obaid-ur-Rahman Khan.]

number. I can prove this by facts and figures that the decrease in their number has been responsible for increase in the number of certain crimes to some extent. It is really surprising to me that when the Province of Bihar is spending 41 lakhs upon chaukidars, we should be spending only about 17 lakhs in our provinces. I think our demand is quite legitimate and reasonable that the number should be restored to the original one as soon as possible, and I hope honourable members will be kind enough to support me in this.

Hon'ble the President : Do you press the motion ?

Maulvi Muhammad Obaid-ur-Rahman Khan : Yes, Sir.

Hon'ble the President : With what purpose ?

Maulvi Muhammad Obaid-ur-Rahman Khan : I want that the number should be increased as soon as possible.

Hon'ble the President : The object of the motion is to secure an increase in the number of village chaukidars. The question is that the demand be reduced by Rs. 100.

The motion was put and adopted.

Motion No. 62.

Mr. H. C. Desanges : I beg to move that the demand concerning establishment under "Railway police" at page 69 of the Civil Detailed estimates be reduced by Rs. 100.

My object in bringing forward this motion is to give publicity to certain items of *zulum* that is carried on by certain sub-inspectors in the Railway police. I offered my friendly criticisms yesterday regarding the maladministration in the upper departments of the police. Here I wish to give publicity to certain things that are done by certain sub-inspectors of police that affect the public at large and the administration of justice and the liberties of the people. There has come to my notice a certain case—I am not speaking of any imaginary case, but of a concrete case—for which I have evidence on oath. Every one who practices in the Law courts knows, and even the general public know, that no sub-inspector of police when making an investigation has any right or authority to take the signature or thumb-impression of a witness. If the sub-inspector tries to hide behind this subterfuge that he is not aware of the provisions in the Criminal Procedure Code, he cannot get out of this that the Police Regulations equally forbid him to take the thumb-impression or signature of any witness in an investigation. To take a thumb-impression is not a small offence. What is the implication of it ? The implication of taking the thumb-impression from an ignorant person is this, and it cannot be anything but this. I write something in Urdu or in the vernacular and tell the witness "I have got your thumb-impression here and this is what you have said." The sub-inspector reads out something. The imputation or implication is this: He will say "I have got now something which you said (or which I want you to say) and if you do not say it, woe betide you." Now in a case that has transpired the result from the findings of the sessions judge is that there was no case at all, and yet this sub-inspector had got ready some evidence. The man has been acquitted, but the *zulum* of the sub-inspector did not decrease. About this time also—this is also on sworn testimony—he took

a poor villager to three different towns in the province in order to worry him and in order that he might say something which the sub-inspector wanted him to say.

Hon'ble the President : I hope the case which the honourable member is quoting is not *sub judice*.

Mr. H. C. Desanges : No, Sir. It was over some weeks ago. Let me now inform the Council of the facts of the case. The allegation in the case was that a certain permanent-way inspector of the Oudh and Rohilkhand Railway had sold to a taluqdar of Oudh a few second-hand sleepers. Strangely enough, the police could not get *pukka* evidence, or even cooked up evidence which they might have regarded as *pukka*, against the taluqdar, or for other considerations best known to the police and the result was that the taluqdar was never challaned. But the poor railway official was brought to book and had to spend a lot of money before he could obtain his acquittal. Sir, is there one law for the rich and another for the poor? I ask the House, which represents the public at large, and the taluqdars, as to who is the greater criminal—the man against whom the allegation was made that he had taken a few old sleepers and sold them, which afterwards proved to be quite false, or that police official who breaks the regulations in order to make some evidence to put into his case and thereby make an innocent man into a criminal. This is not a small office of the sub-inspector. I may here remark that the police sub-inspector is still wearing his uniform and carrying on his duties as heretofore. I have given my honourable friend the Inspector-General of Police a fair chance. I sent him certified copies of the papers in the case about four or five months ago, and I got a very courteous reply from him then, namely, that the matter was receiving his attention. Five months have gone by, but nothing has yet been done. As I said, only a few weeks ago I saw the sub-inspector doing whatever he liked still with all his powers to misuse. I ask the House to see that steps are taken to put down *zulam* of this kind, and I hope the Hon'ble the Home Member, who is very anxious to make the Police department popular, would also take proper notice of it.

Mr. R. J. S. Dodd : I crave the indulgence of the House in regard to the question which has been raised by my friend Mr. Desanges. He did bring this case to my notice. I think, in November or December, and at the time I sent the papers for inquiry by my assistant in the Railway branch. He reported, I think quite rightly, that the case was at present *sub judice* and that he could take no action till the case was over. I told him to look into the matter at the conclusion of the case. What he has done I am afraid I do not know. Had I had any reminder from my honourable friend, I should certainly have looked into the matter. The House should realize that I have multifarious duties to perform. It is very difficult for me to remember every case which is brought to my notice. I assure my honourable friend that I will now send for those papers, and if the charges made are substantially correct I will see that action is taken.

Mr. H. C. Desanges : On the assurance given I withdraw the motion.

The motion was, by leave of the Council, withdrawn.

Motions Nos. 63 and 64—Not moved.

Motion No. 65.

Rai Bahadur Lala Mathura Prasad Mehrotra : I beg to move that the demand of Rs. 7,83,513 concerning Railway police at page 69 of the Civil Detailed estimates be reduced by Rs. 101.

I am very thankful to the Inspector-General of Police for supplying an explanatory note upon the Police budget, from which I find there is a decrease of a sum of Rs. 1,08,200 under contribution for Railway police. I will just read two sentences from the note : " This sum represents the contribution hitherto made by the East Indian and Great Indian Peninsula Railways when they were companies to the Local Government on account of the cost of Railway police. Now that both these railways have become State railways this contribution has ceased." I do not understand why the State railways should not contribute to the provincial fund when the provinces have to contribute to the Central Government for every bit of work they do for them. We pay to the Central Government Rs. 1,83,83,000 as the provincial contribution and Rs. 14,000 for the cost of training of forest probationers in England, and we pay in so many other ways. Under the circumstances I do not see any reason why our Government should feel shy and do not demand a similar contribution from the Central Government.

Mr. E. A. H. Blunt : Many years ago a contract was made with various company railways which was based on a particular method of calculation. I need not go into details. The nature of the calculation does not matter. It meant that they paid a certain proportion of the total cost of the Railway police while the Government paid the rest of it. In 1918, for various reasons which no doubt appeared good to the authorities at the time, they altered the method of calculation. Then they discovered that the railways were bound by contract to pay a certain sum. So they said that in spite of the new method of calculating the amount that each party had got to pay, the companies must still go on paying the difference between the new calculation and the old, so long as that contract was in existence. When the reforms came into existence or shortly after, the Government of India decided to give to these provinces that particular sum, namely, the difference between the new calculation and the old. It is, as a matter of fact, rather doubtful whether the Provincial Government has any claim to it. It is a matter of controversy. At all events, so long as the contract existed after the reforms, they—the Government of India, not the railways—paid us this sum. Now the contracts of the Great Indian Peninsula and the East Indian Railways have come to an end, and so this payment has also come to an end. The railways having become State railways, there is no question of contract at all. Consequently as the companies are not making payment to the Government of India, the Government of India naturally are not making payment to us, and we have absolutely no *locus standi* whatever on the case as it stands at present. On the other hand, it is a question whether the new method of calculation is a fair and correct method ; and on these lines alone could we take up this question. We, as a matter of fact, have already taken up the matter, though whether it will be successful or not it is impossible at present to say. I must make it clear that at the present moment we have no claims whatever over this lakh which we have lost, simply because the contract which gave rise to it has now come to an end.

The motion was, by leave of the Council, withdrawn.

Motions Nos 66, 67 and 68—Not moved.**Motion No. 69.**

Raja Narayan Pratap Singh: I move that the demand of Rs. 1,51,52,406 at page 63 of the Civil Detailed estimates be reduced by Rs. 10.

By moving this motion I just want to bring to the notice of the Government a suggestion of mine in connexion with investigations that are made by police officers. During the last six or seven years there has been a large decrease in the detection of crime, for which I cannot blame the sub-inspectors of police because they have already got enough to do. There are one or two sub-inspectors in every police station, and I think they cannot get sufficient time for detection of serious crimes. Much of the time of the constables is taken in the serving of summons, and to meet this I want to put up a suggestion. If the Government think it proper they may appoint two extra constables in the shape of chaprasis, just as they have chaprasis in tahsils and civil courts, for the serving of summons, etc. In this way the constables who are at present doing the work of serving summons can be utilized in other ways.

My other suggestion is that these constables should be given some practical training, at least for six months or one year, in detection work. If this is done, they can very usefully serve the purpose of detecting crimes.

Khan Bahadur Maulvi Fasih-ud-din: The game of intellectual gymnastics concerning the Police budget is now coming to an end, and I think that after a couple of days we shall have to say with the Persian poet "*nashistand o guftand o barkhastand*" (we sat, we talked and we rose). I concede that the honourable Inspector-General of Police, Mr. Dodd has distinguished himself like his distinguished predecessor, his urbanity of manners and his affability of character. But here we are concerned not with his personality, but with his budget. I find that there is a decrease of about three lakhs of rupees, as compared with the budget figure of the current year, and about two lakhs of rupees as compared with the revised figure of the current year. This is a matter of much pleasure for all of us. But when we come to analyse decrease, our pleasure is somewhat dulled. We find that the decrease is to be traced chiefly to certain causes, many of which were beyond the control of the Police department. It may be attributed to the disappearance of the exchange compensation allowance under various heads, to the retirement of senior officers and their replacement by junior officers, to the diminution of overseas allowance and pay, to the reduction in the house rents on account of the construction of several quarters and also to the fall in the railway fares owing to the amalgamation of the Oudh and Rohilkhand Railway with the East Indian Railway. It will be unfair on my part to deny that some decrease has also been effected in connexion with the reduction in the number of the district police force. But this reduction has been thrust upon the department owing to the curtailment of the extra staff in connexion with the Criminal Investigation department and the abolition of thanas owing to the abolition of tahsils. One, therefore, wonders whether to congratulate the Police department or the Providence which has brought about this relief to the tax-payer. The Hon'ble the Home Member pleaded the cause of this department yesterday by reminding us that the cost per head of the police in this province was much

[Khan Bahadur Maulvi Fasih-ud-din.]

lower than that in the major provinces of India. But we should not forget the fact that while we have got more than one city like Trichinopoly, Dacca and Poona, we have got no metropolitan town like Calcutta, Madras or Bombay in our province, and these towns take up a good deal of money in connexion with police expenditure and increase the cost *per capita*. The honourable the Inspector-General of Police said yesterday with a firmness and resoluteness that is natural to an Englishman of his high position and status, that sufficient economies had been effected in the Police department and that we must now cry a halt. But let us see what these economies have been. The pruning knife of economy, I am sorry to say, has, whether willingly or unwillingly, spared the officers who possess comfortable motor cars and luxurious drawing rooms, but it has cut down the man who keeps watch at night and who sleeps on bare ground in the day, the biped who trudges along on dusty roads and who is the butt of the scorn and insult of his superior officers. That is the economy which has been effected. I find that this is the natural order of things. The old theory of the survival of the fittest practically means the survival of the strongest. The tiger in the forest eats the lesser fry and the latter in their turn eat the fry which are even lesser than they. This policy of retrenchment, I think, is to be deprecated very strongly, and I hope that the Hon'ble the Home Member will give careful consideration to this suggestion of mine which I put forward before this honourable House.

Sir, I ask the department why has it not been found possible to decrease the number of superintendents of police at least in small districts? The district magistrate has been relieved of much of his work in connexion with the two institutions of Local Self-Government. He has been relieved of his work in connexion with the Income-tax department, with the Excise department and many other departments of the kind, and it is but right that he should be more and more closely associated with the Police department in order to effect further economies. I can very well understand the claim of the Police department to supply from their own rank and file an officer to act as the head of the department, but I cannot possibly understand why the district magistrate is being removed further and further away from the domain of police work. The separation of the executive and judicial, which I hope will come sooner or later, will reduce the position of the district magistrate to the position of a member of the depressed classes, and it is but in the fitness of things that the district magistrate should be allowed to have a more and an extended share in the administration of the police than what he now does. The result will be economy, and we can in that way put in one superintendent of police in charge of two or even three small districts. Sir, I think this is a matter which requires very serious consideration of the Government, because the question will come up some day or other to the front specially after the scheme of the separation of the judicial and executive functions is enforced. The other point that I wish to bring out is that the Police department should be congratulated on the large percentage of convictions that it has secured at the hands of magistrates. On making a calculation of the percentage I find that the percentage of convictions comes to 94. The Police department should therefore have no quarrel with the magistrates in this particular respect, and the old complaint that the magistrates were

inclined to acquit seems to have disappeared altogether. The stipendiary magistrates seem to be extra loyal in this particular respect, and the honorary magistrates I think do not fail to convict any and every case that come before them owing to their cupidity. I think that this matter requires to be seriously looked into, and we cannot go on at this rapid pace in the matter of convictions. Another point which I wish to bring out before this honourable House is that, unlike other provinces, our province has got a specially strong and powerful police. The strength or the power of the police does not arise from any provision of the Criminal Procedure Code or from any rules or regulations that have been designed to strengthen the hands of the investigating officer, but it arises from the tenacity of the higher authorities to wink at and to justify the actions of their subordinates, specially when the initiative for exposure comes from a private individual or a private sufferer. This is a point which is of very great importance. The investigating officer may go on during the course of his investigations fabricating evidence, extorting money or even knocking at the doors of innocent people in order to search their houses. The sufferer makes a complaint and wants to have the investigating officer changed or to have a superior officer associated with him in inquiry, but his cry is a cry in the wilderness. That is a fact which I have found out during the last two or three years, that is, since my retirement. It is a matter of great importance that the police should secure the confidence of the public in the matter of inquiries. The third question that I want to put forward is the question of the day, and it is the question of the Indianization of the Police service. I find that out of the 59 superintendents of police there are only six Indian superintendents, and out of the 44 assistant superintendents of police there are only eight Indian assistant superintendents of police. The total number of superior posts in the Police department, including the post of the Inspector-General of Police, the Deputy Inspectors-General of Police, the superintendents of police and the assistant superintendents of police, is 102. According to the scheme recommended by the Lee Commission there should be at least 35 posts which should be filled up by Indians, but what we see now is that there are only 14 men holding these superior posts. This is another matter for the serious consideration of the Hon'ble the Home Member.

Pandit Brijnandan Prasad Misra : After the speech of my honourable friend the member for Budaun very little remains to be said in regard to the criticisms that might be offered against the Police department. His criticisms are those of a sober-minded elderly man, who had himself been associated closely with the executive work of the Government for a long time. I would, therefore, without wasting any time of the Council in criticizing this department, bring one point to the notice of the Government in the hope that it may receive the consideration of the Government. We have passed a large budget for the Police department without being able to inflict any heavy cuts, but the problem of detection and prevention of crime in rural areas still remains almost unsolved. We have got concentrated forces of the Police department in the towns, and yet the complaints in regard to increase in crime due to the lack of detection still remain there. So far as the villages are concerned the problem of security of life and property is still more serious, as there is no highly paid officer

[Pandit Brijnandan Prasad Misra.]

there, only the humble village chaukidar. But the number of even the chaukidars has been reduced considerably. From the report on the Police administration we gather that from 87,903 in 1923 their number was reduced to 51,885. This strength has further been cut down to 43,780. Thus it will be seen that more than half of the chaukidars have been abolished and the people have been left helpless. It was justly said that the village chaukidar is certainly not a factor of much help nowadays, but for that the complaint cannot be laid at the door of the chaukidar himself. The reason must be sought in the low pay that he receives. I know that the chaukidar is not fulfilling all the expectations that might be entertained of him in regard to the discharge of duties assigned to him, but we have to look to the fact that we are paying a chaukidar at the rate of Rs. 3 a month only, and it is certainly idle to expect any person with this pittance to do more than what he is doing at present. We all know about these difficulties, but the point is what is the solution we have found for these difficulties and what steps we have taken in order to remove those complaints. The question seems to be a very difficult one on account of the rural areas being so extensive and the financial position of the Government being so shaky. But something has to be done in this direction, and I have to make one suggestion in respect of this, and it is that if the Government cannot adequately raise the pay of the chaukidars or cannot in the alternative raise their numbers to such a sufficient quantity as to be of any effective help, it is necessary that some other agency must be found out in the villages to serve the people to the best possible extent.

That agency we have already got in the villages in the village headmen—people who are not being paid anything whatsoever. It is very easy to criticize those persons who are getting small salaries or those persons who are getting absolutely nothing, but it must be seen as to what is the propelling force to encourage persons to serve the people. We have got village mukhias, and about them it is said that their number also decreased from 99,143 to 98,785. The number of the chaukidars is being decreased and the number of mukhias is also being decreased side by side. These decreases must necessarily be a matter of great disaster. In the report it is said that they were responsible for the reports of 940 crimes as against 1,142 in 1923. These are persons who are performing an absolutely thankless task. As everyone knows, they are more or less like a tame monkey who, if he happens to bear a leather collar round his neck, is liable to be torn in pieces by the members of his own community. These persons bear with them the stigma of their being unpaid servants of the Government. They are disliked by their own community—no doubt some of them owing to their own misdeeds—but a large amount of unpopularity is undoubtedly created, and they do not get anything in reward. Formerly, when all the arms were granted to the people by means of licences, the sharp-edged weapons used to be given to the mukhias free. They were not required to take any licence. That was a particular privilege that attached to them in those times. That might have been an impetus to them to work, but now even that impetus does not exist. Sharp-edged weapon are now things of ordinary possession for which no licence is required. They may also keep them, but the Government does not give them any special benefit which may encourage them to work. I think if the Government could see its way to grant

these mukhias licences for firearms it would be a great impetus to them and these people would perhaps be willing to work with a greater heart. That would be helpful to the Government in one more way, and it is that that would be a source of protection to the village itself. Dacoities and robberies are taking place every day in villages without any help. If there would be a firearm in each village in this way, without the necessity of any addition to the strength of the police in the villages, the protection of the people will be secured.

I think that this is a measure which is in conformity with the opinion which the Government itself seemed to have in regard to this question in the past. It had been giving them a privilege of a sword licence before. A similar privilege of a gun licence might be extended to them now, and then I hope that the question of village protection and of securing some enthusiastic agency within the villages would perhaps be solved to a practicable degree without incurring much further expenditure. I hope that the question would receive the attention of the Government.

Pandit Nanak Chand: Unfortunately I was not here to follow the earlier part of the remarks of my friend from Pilibhit. What I understood from the last portion of his speech is that he advocates that the privilege of holding a gun licence should be extended to mukhias in villages. With this proposition I am heartily in accord. In the first Council I once tabled a resolution recommending this concession to the mukhias, but the Government was not inclined to accept this view. I think that if the Government will give their serious attention to this suggestion of my honourable friend from Pilibhit it will help itself considerably, inasmuch as it will induce many people of a more respectable type than the Government gets at present for the office of mukhia to come forward and accept this office and its responsibilities. Besides, as has already been pointed out, this will to a very considerable extent solve the question of the protection of rural areas from organized offences of dacoity, etc., because the people who will come prepared to commit such offences will know it for a fact that there is at least one firearm in the village and they cannot go and disturb the peace of that village without the possibility of serious consequences to themselves. It is quite possible that in some cases some of these mukhias who may be given this privilege of holding a licence of a firearm may not rise equal to the occasion, but in most cases they will, and the mere fact of the presence of firearms in the villages will go to give additional security to the people residing in rural areas.

With these words I heartily associate myself with this suggestion.

Rai Bahadur Thakur Hanuman Singh: I had no intention to speak on this motion, but the speech of honourable friend from Pilibhit had the effect of changing my mind. I am not going to make any long speech. What I want to say is this that mukhias have not been serviceable in the detection or prevention of crime as it was expected when their appointments were made. No self-respecting citizen desires to be a mukhia, because they are always under the thumb of the police sub-inspectors. It is the police sub-inspectors who nominate them, and it is their report on which they are removed. So they cannot be expected to exercise any amount of independence. I am sorry to remark, Sir, that in most cases they act as go-between between the police and the people. It is they who settle the amount of bribe, and it is they through whom the bribe is paid. Then,

[Rai Bahadur Thakur Hanuman Singh.]

Sir, I desire to say that it is the superintendent of police who can keep his subordinates straight. On this occasion I would like to mention an instance. In the Rae Bareilly district about two years ago the number of dacoities was rapidly increasing. Mr. Crawford, who is at present at Shahjahanpur as district superintendent, was sent to Rae Bareilly. He called his inspectors and sub-inspectors to him and told them please mind that if within two months the dacoities would not cease their turbans and uniforms would not be on their persons. That warning had the effect of "putting down dacoity in that district within two months. If the district superintendents of police be strict on their subordinates and see how they are doing their work, much of the difficulties which the public is experiencing on account of the police *zulum* would disappear.

Rai Bahadur Thakur Mashal Singh: I find that much strictness has been shown in the case of sub-inspectors. Yesterday and today we have criticized them much and sometimes we have exaggerated the evil of corruption amongst them. Had there been somebody on the official benches who would have risen from the post of sub-inspector, perhaps he would have defended them. But unfortunately there is none. I think that there are some good men as well in the ranks of the sub-inspector who deserve every encouragement, and I think I would respect them more than many superintendents of police and Deputy Inspectors-General of Police because they draw only Rs. 100 or Rs. 75 and still they are honest.

Rai Bahadur Thakur Hanuman Singh: Their number is too small.

Rai Bahadur Thakur Mashal Singh: Yes, that is true, and so they deserve every encouragement.

Now I find that in the Police Commission of 1902 or 1903, perhaps, it was suggested by the Commission that the rank of the sub-inspector and inspector should tally with the rank of naib-tahsildar and tahsildar respectively. It is known to everybody that a naib-tahsildar cannot be dismissed by the Collector of the district or by the Commissioner. He was formerly dismissed by the Board of Revenue, and now perhaps the power of dismissal rests with the Hon'ble the Finance Member or the Revenue Secretary. Anyhow the dismissal of these officers, naib-tahsildars and tahsildars rests with the Government and not with any other officer.

On the other hand we find that the punishment of these sub-inspectors is vested in the hands of the superintendent of police. Formerly they used to punish these officers with the concurrence of the district magistrate, but now the intervention of the district magistrate has been removed.

Mr. J. R. S. Dodd: I rise to a point of order. This matter was fully discussed yesterday on another resolution.

Hon'ble the President: I hope the honourable member will not traverse the ground that has already been covered.

Rai Bahadur Thakur Mashal Singh: If it has been discussed I did not hear it. All I will say is that sub-inspectors have been criticized, but no protection has been provided for them, and I say this power given to the superintendent of police should be revised and the intervention of the district magistrate must be brought in, because I find

that superintendents of police are sometimes of men strong likes and dislikes, and sometimes they punish subordinates without any rhyme or reason. So in those cases they must have protection of higher authorities, and they should not be subject only to the vagaries of the superintendents of police.

Rai Bahadur Lala Mathura Prasad Mehrotra: The whole of the Police budget has been passed without any cut—whether it was a token or real—and I rise to congratulate the Home Member on the occasion. But, Sir, I would remind him that with this confidence he should not sleep over the whole of the budget year without doing anything in the matter of the reforms severally brought before the House. With your permission, Sir, I will just summarize and touch very briefly upon three or four important points just to remind him again.

Hon'ble the President: May I remind the honourable member that today is a guillotine day, and there are still many motions to be discussed on other demands.

Rai Bahadur Lala Mathura Prasad Mehrotra: I will not take more than five minutes, and I hope you will permit me that little time. Sir, the question of the reduction of two Deputy Inspectors-General, one from the territorial range and another from the Criminal Investigation department, has been brought before this House several times. The demand was also rejected last year, and the Economy Committee has recommended for the reduction of both the posts. I think, Sir, if the Home Member will consider over this point he will be able to effect greater economy. He can utilize the savings from this reduction for the increase in the pay and number of village chaukidars as has just been brought before the House. And he himself has acknowledged that we are spending very little upon village police in comparison with other provinces. Sir, we have also pressed for reduction in the Criminal Investigation department by 25 per cent, and I hope when he is comparing the figures of other provinces he will take note of it. Sir, the question of Indianization of superintendents of police has just been touched upon by an honourable friend of mine, and after the recommendations of the Reforms Inquiry Committee and the Lee Commission for the Indianization of 35 posts, I think it is but right for the Home Member to do his level best to secure economy in that direction. What I do know, Sir, is that only 14 posts have been given to Indians. I hope the Hon'ble the Home Member will try his best to fill up this deficiency, and he will also effect a greater economy which he can utilize in village police expenditure. With a short narration of all these points, as I was just reminded by you of the shortness of time, I will request the Home Member to take them into consideration and sit down.

Rai Sahib Ohaudhri Sheoraj Singh: I would be the last person in this Council to raise any communal issue. Personally speaking I am above communal questions, but, coming as I do from a non-Muhammadan constituency, I am supposed to safeguard their interests here, and it is for this reason and this only that, without casting any reflection on the policy of the present Home Member, who has taken over the reins of office recently, I would like to know what is the representation of the non-Muhammadan community in the Police department up to lately. Subject to correction, I may say that there are hardly 30 per cent. of non-Muhammadan community in this department. So I have to request the

[Rai Sahib Chaudhri Sheoraj Singh,]

Hon'ble the Home Member, in whom I have every confidence, that he would take steps to restore the proportion to something more appropriate.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: I am sorry that the honourable member for Budaun is not here. I entirely disagree with him when he said that this year we simply went according to the (Persian couplet) - نشستند و گفتند به خاستند I do not think, Sir, that the important duty of this House is to move reductions and to carry them and curtail the budget, but on the other hand I believe that the chief duty of this House is to give their advice, to represent the views of the public before the Government. If we once admit that the duty of the House is to carry reductions and to curtail the budget, naturally the reaction would be that the Government side would have to over-budget in order to allow a margin for the House to make cuts. If honourable members will see the proceedings of the English Parliament they will find that budgets are passed without a single reduction except such token reductions as may be carried for the purpose of discussion of policy. Therefore I do not think it is a matter of any regret for the honourable member for Budaun that the Police budget has been carried through without any reduction. As regards the general criticisms that have been offered I may submit that enough material has been provided by the House to ponder over throughout the financial year that is about to dawn.

Now coming to the question that was raised by some of my honourable friends here about the Indianization of the services I beg to submit that during the last year we have recruited six Indians in the Imperial service against two Europeans, and this, I think, will satisfy honourable members of this House that as far as the recommendations of the Lee Commission are concerned we are trying to Indianize the services as quickly as possible.

An honourable member: What is the percentage?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: Percentage can show nothing. The reason is obvious. The policy of Indianization has been started only quite recently, while the Imperial service has been in existence perhaps since the time of the Mutiny. It is impossible to get rid of the old hands because the service has to be Indianized at once. Therefore honourable members can be perfectly satisfied that the question of percentage has got no bearing on the real question. The real question is how we are proceeding with the matter now.

There was one question which was raised by my friend Rai Sahib Chaudhri Sheoraj Singh. I know full well that my friend is quite above communal questions. If he has raised that question now, I know that it is not with any feeling of communal animosity or communal jealousy. I am not prepared to give him all the figures, as I do not remember them just now. This much I can say. Among superintendents of police there are four non-Muslims and two Muslims; among assistant superintendents of police there are six non-Muslims and two Muslims. For the rest I am sure that the information supplied to my friend that there are only 30 per cent. of non-Muslims cannot be correct. I do not think he is well informed on this point.

Pandit Brijnandan Prasad Misra : May I just put a question to the Hon'ble the Home Member? Will the future recruitment of European officers to the post of superintendent of police be closed until Indians are brought up to their quota?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : We cannot close the door to Europeans.

Raja Narayan Pratap Singh : Nothing has been said by the Government about the suggestion which I made. I do not know what will be their view on that. Therefore I do not know whether to press the motion or to withdraw it.

Mr. R. J. S. Dodd : May I just . . .

Hon'ble the President : Mr. Dodd has not the right of speaking after the honourable mover has spoken.

Raja Narayan Pratap Singh : Nothing has been said by the Government in reply to my suggestion. I have no other alternative but to press my motion.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I beg the forgiveness of the honourable mover. We have all forgotten the suggestion made by him when we discussed big questions of all-India bearings. I think he made some such suggestion about engaging peons to take summonses instead of constables. It is a question of detail and I can only say that this question will be considered whether it will be possible or not to adopt the suggestion and whether it will be in the interest of the department to adopt it.

The motion was, by leave of the Council, withdrawn.

Motions Nos. 70 and 71—Not moved.

Hon'ble the President : The total demand before the House was for Rs. 1,51,60,406 under 26—Police, since when a reduction of Rs. 100 has been made. The question is that the net demand of Rs. 1,51,60,306 be voted.

The demand was voted.

Demand No. 25.

HEAD 35—INDUSTRIES.

Hon'ble Thakur Rajendra Singh : I beg to communicate to the Council the recommendation of His Excellency the Governor that under 35—Industries a sum of Rs 11,55,639 be provided, and I move that this amount be voted.

A great advance has been made in the provision of facilities for technical education which is one of the cardinal principles of industrial development.

More than a year ago the department maintained only twelve large educational institutions and 21 small institutions which received a grant of a recurring nature. The number both of large and small institutions is now nearly ninety, and so far as the number of State and aided institutions is concerned, the United Provinces is now ahead of all other provinces, including Madras, which till recently had the largest number of schools, while some of the large institutions in the province are the only ones of their kind in India.

[Hon'ble Thakur Rajendra Singh.]

We are proposing to open two new Government industrial schools next year, and give aid to 18 schools teaching various handicrafts. Owing to the remission of the provincial contribution by the Government of India we hope to ask at the beginning of next month for funds to open three more industrial schools. One of the aims that has been constantly kept in view is this that facilities for industrial education should be provided in every district. Only a limited number of them provided such facilities about a year ago. According to the budget before the Council every district, except seven, will have a school of handicraft. And about those seven districts, the consent of the local bodies concerned to bear half of the expenditure of the schemes proposed had not been received at the time of preparing new schedules.

Other important schemes are :—

- (1) the installation of a modern machine for spinning wool at a cost within the reach of the wool weaver ;
- (2) the opening of a workshop for making veneers and splints from suitable wood for selling them at cost price.

It is also proposed to place the Stores Purchase department, which is at present temporary, on a permanent footing. This department has done much useful work.

A large number of new items of expenditure are those which are necessary to make existing institutions more efficient or to extend the scope of their usefulness, for example the proposal to start a class for the training of drawing masters at the School of Arts and Crafts.

There is another proposal to erect a demonstration milling plant of a size suitable for small capitalists and capable of treating all kinds of seeds grown within the province.

The report of the Burn Committee shows that the Government are, generally speaking, proceeding on the right lines. We are also introducing (in the supplementary estimates on April 1) a proposal for short term scholarships abroad designed to train in European methods persons actually engaged in industry. We shall also, if the Council votes funds, open a sugar department at the Technological Institute.

With these words I ask the House to vote the demand. I assure the honourable members that I will try my best to see that money is well spent.

Motion No. 1—Not moved.

Motion No 2.

Rai Sahib Chaudhri Sheoraj Singh : I beg to move that the demand of Rs. 69,900 concerning salaries under "Direction" at page 109 of the Civil Detailed estimates be reduced by Rs. 4,000. Under salaries there is an increase of about Rs. 4,000 for the budget year, though the number of Director, Assistant Directors and other officers is exactly the same as in the current year. I want to point out to the House that so many Assistant Directors are not required in this department. There is a department known as the Provincial Stores Purchase department. As far as I know the work of this department is to purchase and sell things. I want to know whether it is the function of the Industries department to work like an agent. I do not think there

is any necessity for this department and that it should be abolished. With those words I move that the reduction of Rs. 4,000 proposed should be adopted by the House.

Kunwar Jagdish Prasad : My honourable friend has raised two points. One is that he wishes to know why there has been an increase of Rs. 4,000 over the budget figures of the current year, and the second point is that the Stores Purchase department is a perfectly useless department and it should be abolished.

As regards the first point, the increase is due to the system of incremental pay. The Director is receiving Rs. 24,000 this year and he will receive Rs. 25,200 next year. There is an increase of Rs. 1,200. The pay of the Deputy Director this year is Rs. 9,540; next year it will be Rs. 9,900. There is an increase of Rs. 360. Six superintendents are receiving Rs. 19,500; next year they will receive Rs. 21,000—an increase of Rs. 1,500. The Stores Purchase officer is receiving Rs. 12,600 this year; he will receive Rs. 13,800 next year—an increase of Rs. 1,200. The total increases which I have just mentioned amount to about Rs. 4,000.

As regards the Stores Purchase department, honourable members will remember that there was a great deal of excitement when it was believed that the recommendation of the Burn Committee about the Stores Purchase department would be accepted by Government. Honourable members then said that it was essential that there should be a provincial Stores Purchase department, and Government after considering the views of the various bodies, decided to make this department permanent. I should like to mention that there are two functions which this department fulfils: one is the substitution of goods manufactured in India for goods manufactured abroad, and the second is to effect economies by making the purchases in bulk. Large quantities of articles are purchased by various Government departments, and it is only common-sense that if all these various indents are collected here and the purchases are made in bulk, there would be a very considerable saving. If honourable members will look at the report of the Director of Industries they will find that considerable economies have been effected and that we have done much to substitute Indian goods for goods manufactured abroad, for instance, since the establishment of the Stores Purchase department red pagris which are manufactured in India are now supplied to the Police department. From the statement given to me by the Stores Purchase department it appears that the value of the goods purchased this year would be over Rs. 14 lakhs. I think therefore that the House will agree with me when I say that this is a department which is doing very useful work. It was in consonance with the wishes of this House that this department has now been made permanent.

Khan Bahadur Maulvi Fasih-ud-din : I have got a similar motion in my name—motion No. 6—about cutting down expenditure on the Stores Purchase department, and for that reason I should like to speak on the motion of my friend Rai Sahib Chaudhri Sheoraj Singh. I admit that the department of Industries is a nation-building department, and as such it deserves the sympathies of all right-thinking men. But it does not follow that we should support that department when it goes out of its way and spends money lavishly. The Stores Purchase department is, in my opinion, quite unnecessary and redundant. The Industries Secretary has given us two reasons in support of the policy

[Khan Bahadur Maulvi Fasih-ud-din.]

of keeping the Stores Purchase department. The first reason that he has given is that the Burn Committee has approved this proposal.

Kunwar Jagdish Prasad : No.

Khan Bahadur Maulvi Fasih-ud-din : It purchases things from the market wholesale and sells them to the various Government departments and offices. In other words it acts like a middleman, and the profit that it gets is the profit of a middleman. In that way the Stores Purchase department cannot be expected to supply articles to the Government offices at a cheaper rate than the ordinary vendor. Besides, the honourable the Secretary of Industries has not told us what else this Stores Purchase department supplies. He has told us that there is one Assistant Director or Deputy Director of Industries in charge of the department and there are so many Superintendents in charge of it.

Kunwar Jagdish Prasad : May I explain ? Superintendents have nothing to do with it.

Khan Bahadur Maulvi Fasih-ud-din : He has not given us the cost of the upkeep of this department and he has not said as to whether it is being run at a loss or at a profit. The chief mischief which I think this Stores Purchase department does is that it hampers local trade. This is a standing injustice to the local vendor. The honourable Secretary has not even told us as to what things used to be imported from England for being supplied to the Government offices and in what way the Stores Purchase department has helped these Government offices to purchase products of local manufacture. The Stores Purchase department, I believe, supplies everything from a pin to an anchor, and in that case we are not in a position to say that the offices used to import many articles from European countries and that their import has been stopped by the Stores Purchase department. We want to know the position of this Stores Purchase department and we want to know exactly what is the amount of money that it takes up. Besides, I think it is very difficult for the Director of Industries to successfully manage this department and to supervise over the work of those clerks who are engaged in this work and to prevent petty pilferings. Again, there is one more point and it is this. That it should not be the business of the department of Industries to keep up stores and shops of this nature. The business of the department of Industries is to promote and encourage local indigenous industries and also to introduce machinery for the promotion of machine industries; but it is not the duty of the department to oust the local trader and to introduce an institution which is meant to do more harm than good.

The Council here adjourned for lunch.

After the recess the Deputy President took the Chair.

Pandit Nanak Chand : My friend Khan Bahadur Maulvi Fasih-ud-din and Rai Sahib Chaudhri Sheoraj Singh must have been under some misapprehension when they suggested the abolition of the Stores Purchase department. From the speech of my friend Khan Bahadur Maulvi Fasih-ud-din I came to the conclusion that he was labouring under a serious misapprehension about the activities of this department. He complained that the existence of this department was an injustice to the vendors.

Khan Bahadur Maulvi Fasih-ud-din : On a point of order. I did not say anything about the Industries department. I was only speaking about the Stores Purchase department.

Pandit Nanak Chand : I am also referring to the Stores Purchase department. I do not mean to imply that Khan Bahadur Maulvi Fasih-ud-din said anything about the Industries department as a whole. He said that the Stores Purchase department was discharging the functions of middlemen and was purchasing articles on the one hand and selling them to the various departments for whom this department purchased various articles on the other hand, and that this department made a profit out of these transactions. If I understand aright and if I am informed correctly, then I wish to be permitted to point out to my friend the mover this is not the procedure which is followed by the department. The procedure adopted by this department is that the Stores Purchase department ascertains the requirements of the various departments of various articles that they want for these departments. After having collected this information, the department prepares an estimate of annual requirements for the whole province for all the departments. After this the department invite tenders and samples, and having received tenders and samples, they select the best available articles and then they settle the rates. The department is on account of this consolidation of the demands for these commodities, in a position to secure very favourable terms from the manufacturers, and after having settled the rates they leave the heads of departments free to indent direct from these firms. The Stores Purchase department does not make any profit out of this arrangement. The Director of Industries usually issues a notification through the *Government Gazette* which includes the following condition:—"Orders should be placed direct, but a copy of the same should be sent to this office for information. Bills should be received and paid for direct."

This should remove any misapprehension that there might be in the minds of the honourable members of this House. Then he pointed out

Khan Bahadur Maulvi Fasih-ud-din : May I know if there are any stores lying unsold with this department?

Pandit Nanak Chand : Not as far as my information goes.

Khan Bahadur Maulvi Fasih-ud-din : My information is that a huge amount of stores is lying with this department.

Pandit Nanak Chand : I think my honourable friends from the opposite benches would be in a position to give that information, but as far as I understand there are no stores purchased and stocked by this department and there should not be any stores lying with the department. My honourable friend Khan Bahadur Sahib pointed out that it was difficult for the Director of Industries to manage the department. I do not know on what information this statement was based. Unfortunately the Director of Industries has not been sworn in specially for the discussion of his department, otherwise he would have been in a position to say whether he can or cannot manage this department or he has got any difficulties to encounter in managing the department. Another point which I want to bring to the notice of the honourable members of this House is that the constitution of this department has helped the use of Indian made articles in preference to foreign made articles and of articles made in this province in preference to articles manufactured elsewhere. I may be permitted

[Pandit Nanak Chand.]

to give two typical instances. Up to last year the red turbans used by the provincial police forces used to be imported from outside and for the first time this year through this department it has been possible not only to get red turbans from the Indian market manufactured in India, but they have succeeded in getting that cloth from our own province. The Government used to purchase Chubb's locks for treasuries at a cost of Rs. 25 per lock. This department has succeeded in purchasing—not ordinary locks, but locks suitable for treasuries manufactured in this province—at a cost of between Rs. 6 and Rs. 7 per lock. These are the instances which ought to convince honourable members of this House that it is highly desirable and necessary to retain this department, not only in the interests of Indian industries, but also in the interests of provincial industries. It will be a suicidal policy if this department, which has just begun to function so successfully, was done away with so unceremoniously.

Rai Bahadur Thakur Mashal Singh : I have little to add to what has been said by my honourable friend sitting on my right. I hope the honourable mover of the cut and the supporter have said whatever they have said with regard to this department with the best of motives. The details can be explained by the men of the department, and we cannot satisfy them with regard to the details with our speeches, but I can add another instance to the two that have been mentioned by my friend Pandit Nanak Chand. Formerly for registration envelopes used in post offices, the cloth of which they are made was imported from foreign countries. Now an order for the purchase of the very same cloth has been placed with the Saudila Weaving Co-operative Society and about 5,000 yards of cloth will be purchased, and the result is that 30 looms are working there. Is this not an encouragement of our industries? No profit is received by the Stores Purchase department; it simply arranges the purchase of different commodities by departmental heads, and that it does economically. If in this way it does any good to the industries of this province, it should be retained even at some sacrifice, if any is involved. I do not think any more speeches are needed on this subject, and I am quite confident that my honourable friend the mover will withdraw his motion.

Rai Sahib Chaudhri Sheoraj Singh : The motion as it stands in my name requires that the sum of Rs. 4,000 should be reduced. Whatever I said in connexion with the Stores Purchase department was a sort of argument in favour of my reduction. However, I now realize that I was under a misapprehension, and I am fully convinced by the speeches that have been subsequently made regarding this department as to its utility. I should like to withdraw my motion with a request that Indian made articles should be preferred to imported ones.

The motion was, by leave of the Council, withdrawn.

Motions Nos. 3 and 4—Not moved.

Motion No. 5.

Rai Sahib Chaudhri Sheoraj Singh : I beg to move that the demand of Rs. 18,930 concerning travelling allowance under "Direction" at page 109 of the Civil Detailed Estimates be reduced by Rs. 2,000,

I find an increase of two thousand in this connexion and I want to know to what is this increase due.

Kunwar Jagdish Prasad : If my honourable friend will see the accounts for 1924-25 he will find that we spent over twenty thousand under this head in that year. The chief increase, I understand from the Director of Industries, is in the travelling allowance of the six superintendents. Last year the amount provided in the detailed budget of the Director was Rs. 6,000. This year a sum of Rs. 8,000 has been provided, and this is based on the experience of the past that unless the superintendents do a certain amount of touring they will not be able to do their work properly.

As I said, if the honourable member will see the accounts for 1924-25 he will find that we spent Rs. 22,565 in that year. We have asked this year for Rs. 21,000 odd, so there is really a decrease. This is all based on past experience.

Rai Sahib Chaudhri Sheoraj Singh : I beg to withdraw.

The motion was, by leave of the Council, withdrawn.

Motion No 6—Not moved.

Motion No. 7.

Rai Bahadur Lala Mathura Prasad Mehrotra : I beg to move that the demand of Rs. 1,51,652 concerning Direction at page 109 of the Civil Detailed Estimates be reduced by Rs. 1,001.

By moving this token demand under "Direction" I want to draw the attention of the Hon'ble Minister to the superintendents. It was in the time of Mr. C. Y. Chintamani that the superintendents were appointed to make an industrial survey of the whole province. He took this new step—and a right step I should say—because there was no industrial survey of the province; the people could not know what were the industries of the province and whether there were any cottage industries or private companies. So it was but right for the department to make a survey of all the districts in detail.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : It has been made already.

Rai Bahadur Lala Mathura Prasad Mehrotra : Yes. The superintendents were appointed and they have finished their task. In the report that I have received this year I find at page 6 that certain reports of Aligarh, Saharanpur, Shahjahanpur, Kheri, Agra and Muttra which were not ready when the last report was written were printed before the end of the year under report, so that reports of all the 48 districts are now available at the Government Press. The reports of different districts were prepared by the superintendents, I think, in 1924 and 1925. I just want to know what steps the Government has taken upon them. Are they shelved in the library and are available in the Government Press only, or has the Government taken any steps in those districts to improve the cottage industries? As far as I am aware no step has been taken in my district. There is a central co-operative bank in Biswan, and it was but right for the Government to advance the cottage industries of the place through that institution. Co-operation and industries are allied subjects—it has been acknowledged by the whole of India—and therefore the Government ought to have made use

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

of the districts which have got central banks if other agencies were not available. I want to know how many district co-operative banks have been supplied with the reports of their own districts, what persuasion has been made by the department to encourage those industries and what work is going to be taken from the superintendents who have finished their labours.

The Deputy President: I take it that Mr. Saifi does not want to move his motion No. 1 and wants to speak to the present motion.

Mr. Muhammad Aslam Saifi: Yes, Sir. It is quite right.

In this connexion I wanted information from the Government with regard to a specific matter. As my honourable friend has already said, these divisional superintendents were appointed in the time of Mr. Chintamani. Their number was ten; it was later on discovered perhaps that there was not enough work for ten so four of them were brought under reduction. Three of them, I find, have found some employment in other Government offices, but one of the poor men who was brought under reduction has been so unfortunate so that he still finds himself in the unhappy category of the unemployed. I am of opinion that for this unhappy position of his he is personally not at all responsible. He is a graduate, as others of them were. He wanted the assistance of the department to secure employment in any other Government department, but he has utterly and miserably failed in that. I do not see any reason why the department should not have extended its helping hand towards that poor man. That was the first point that I wanted to bring to the notice of the Government.

The second point is that at present instead of six I find that there are only five divisional superintendents. That is, of course, given in the report of the department of Industries for the year 1924. Each one of these superintendents is in charge of two divisions. I should like to know the exact nature of work that these divisional superintendents are required to perform now. I notice in the report that the correspondence that is addressed to the department perhaps from the various commercial and industrial firms has increased enormously. Its present number is perhaps fifty thousand. I would like to know if these divisional superintendents have to do anything with this correspondence. The surveys of the various districts with regard to the cottage industries mostly have been now completed; the reports are in the stock room of the Government Press. I should be very thankful if I am informed if the survey reports had any public sale. and, if so, what number of these survey reports have been sold. Because if they had no public demand then I am afraid the Government undertook a task which was from one point of view not a very paying one, but if we wanted to keep a public and permanent record of what our rural and cottage industry consists, then I think it is a most useful record. In the survey of the Agra district, when I was going through it, I discovered that only the manufacture of boots and shoes in Agra amounted to over two crores of rupees. It is one of the most important industries of India and Agra fortunately, as every honourable member knows, is located in our own province. Therefore we ought to have credit for it; but the question is how far the Government has assisted that industry. Up to date there is not one single factory completely equipped with modern machinery in Agra.

Only a few weeks ago I visited Agra and I went round to see these factories and I came across one which is known as K. V. Boots and Shoes Factory, but even there the machinery was not complete. I remember to have submitted a note on this subject to my honourable friend the Home Member, who was in charge of this department then, and my suggestion therein was, which I had made after consulting those people who were interested in the development of this industry, that if the Government could finance to the extent of purchasing a complete modern machinery for the said factory, it would be the best thing for the development of this industry. They have invested already large sums of capital and as every one knows the Indian system of cottage factories is that usually it is a private firm which is not a large capitalist which manufactures and sells articles. Then on account of competition they have to sell their articles on credit. Therefore after a short time they begin to feel that they are handicapped for want of capital. They do not want any loan or any grant for this purpose. Their sole object was that if they had a completely equipped factory they shall be able to learn the use of that machinery, and if in the course of one or two years they found that it answered all the purposes, then they will float a joint stock company in which most of the small cottage industrialists will join subscribe the capital and take over the factory from the Government. I think that would be one of the best things that the department of Industry could do to enlarge and develop this industry there. Then again, one who took the trouble of going through this district industrial survey, would have discovered that there were numerous industries detailed there. I wish to know what the department has done to improve their organization, both financially and scientifically. The divisional superintendents have to cover a very wide field, but, so far as my personal experience goes, it does not extend beyond the three districts which I have the honour to represent in this House, viz., Meerut, Agra and Aligarh. I have no personal knowledge that through the assistance of the divisional superintendents any of the local industries have in any way been improved. Of course the divisional superintendents are useful in a way, but I for one am not in favour of retaining any extra hands if their services are not actually required. These are the points to which I wanted to invite the attention of this House.

Mr. B. J. K. Hallows: I will deal with the last speaker's requests first. He asked what Government have done for one of the divisional superintendents who was reduced in 1923. The House is aware that there were ten divisional superintendents appointed in 1901, of whom four were reduced in 1923. They were all temporary officers, so that Government has no legal liability to find them posts, but we do of course admit that we have a certain degree of moral responsibility for finding posts for men who had been turned out through no fault of their own, and I may say that we are trying to do our best for that officer. He has recently been several times to see myself and others, and I have given him advice which I hope will lead to his being taken into a department which is shortly, we believe, to be very much increased.—I refer to the co-operative department. As a result of the Oakden Committee's report, which is not yet out, but of which I have some knowledge, that department will probably be largely increased, and we shall do our best. We can give no promise, but we shall try to help officers such as this by giving them posts in the enlarged Co-operative department.

[Mr. B. J. K. Hallows.]

Another question asked by Mr. Saifi was why there are only five instead of six divisional superintendents. That is purely temporary. One of these divisional superintendents who has engineering qualifications, is being used temporarily partly as a factory inspector. The work of factory inspectors has increased lately owing to the new Cotton Ginning and Pressing Act, and we have had to use part of his services as an inspector. He will come back to his ordinary duties from the beginning of the next financial year. I am afraid I am unable to inform the honourable member as to the number of copies of the survey reports which have been sold. I will make inquiries and let him know afterwards.

Another totally different matter has been raised in this resolution, namely one regarding the machinery used in the Agra boot factory. Honourable members are aware that last year we started a leather working school in Agra, and there was a question then as to whether up-to-date machinery should be installed in that school, or whether we should continue to teach our students to work entirely with their hands. Well, that is a very vexed question, upon which experts differ. The Director and the experts in the boot trade in Agra held various views, and it has not yet been decided whether or not it would be advisable to buy modern machinery and teach our students to use it. The difficulty is that if we teach students to make boots and shoes by modern machinery, when they get out into the world after leaving school they will probably find there are no such machines available in the workshops where they work and their training will have been to no purpose. At the same time there is a half-way house.

There are some processes in boot and shoe-making which can best be done by machines, both rapidly and cheaply, and I think it possible that the Director and Government will arrive at a solution by installing a few machines in Agra which are ultimately likely to be met with in other workshops after the students leave.

Mr. Mehrotra asked what work is done by divisional superintendents, and it has been generally questioned in this House as to whether there is any value at all in these divisional superintendents. Let me first of all refer you to what an All-India committee said. I shall afterwards say what the Burn Committee had to say on the subject. The Holland Committee of 1916—1918 reported as follows on the value of the divisional superintendents.

Rai Bahadur Lala Mathura Prasad Mehrotra : A point of order, Sir. What I said was this, what use has been made of the report of the divisional superintendents and what is proposed for them in future when they have finished the survey.

Mr. B. J. K. Hallows : I beg your pardon. I should have referred to the question asked by Mr. Saifi. In the first place the Holland Committee stated that to carry on the current duties of the department of industries it is necessary to have territorial charges which should be supervised by certain officers whose duties would comprise the general supervision of all but the most important local activities of the department. Now, Sir, our divisional superintendents are these circle officers; they are the connecting links between the head of the department and local industries. Their utility

was criticized before the Burn Committee, and the Burn Committee found, after due consideration, that the employment of six divisional superintendents is justified, and that they should be permanently retained. Government have, in their resolution which they issued at the end of last year, decided permanently to retain them.

(Voice of—"What work do they do"?)

I will now state what they do. Just as it is impossible to define the work of a Collector by reference to his title—his sole duty is not the collection of revenue—so it is difficult to define the duties of these officers by their title. They have other functions than to superintend industries. They are first of all intelligence agents. They are our local agents; we have no other officers (except headmasters of schools) in the various districts; they are our intelligence agents on the spot, and they collect the information required by the head of the department and forward it to him. In the second place they are inspectors. They have to inspect various Government institutions and aided institutions. In the third place they act as advisers of local industrialists. I may say that they usually convey the advice of experts—they are not in a position themselves to advise on all technical matters, but they can report what is required by the local industrialist, and they convey to him the information which they get from experts in the department. Further they are inquirers on behalf of the Stores Purchase department. Honourable members are aware that the Stores Purchase department keeps a list of authorized firms from whom it calls for tenders for the various articles which it provides for Government departments. It is of the first importance that the firms should be reliable firms who, after taking on a large contract, shall not let us down. That then is another of their functions—they serve as inquirers on behalf of the Stores Purchase department. You may ask me to come down closer to reality. I have given you four or five general functions which divisional superintendents perform. I think Mr. Mehrotra asked for examples of what they have actually done or examples rather of the use Government had made of the survey reports. In the first place the function of a survey is to state what is and not what should be. Before you can solve a problem you must understand the problem, and before you can understand it you must study it. Well, a survey is merely an examination of the problem, but we have a chapter, I think it is chapter III, in each of these survey volumes which is a list of recommendations made by the divisional superintendent himself. Some of them of course carry no weight whatever, but I may say for the information of the House that a complete list of those suggestions has been made by the Director of Industries in his office and he is attempting to carry them out as far as is reasonable. Already we have taken up a few. In one of the reports it is recommended that we should have a carpentry school in the hills. We have done it. We have started, only last year a school in Naini Tal. It was also advised that we should have a co-operative society of boot-makers in Agra district. That also has been done. Another recommendation was that we should have a dyeing school at Etawah. It was suggested that in one of the schools—I think it is the Gur Narain school—a dyeing class should also be added. That also, I understand has been done. A very much larger question was also mentioned in the report of one of the districts, namely the registration of trade-marks. Perhaps only gentlemen who are interested in commercial

[Mr. B. J. K. Hallows.]

matters are aware of the great hardship caused to Indian manufacturers by the absence of any provision for the registration of trade-marks. In Agra itself, as my honourable friend Mr. Saifi is aware, there are certain boot-makers of standing whose trade marks are used by others, by men who produce inferior commodities but use the trade-marks of better firms. We are taking up that question now. It is a difficult technical question, but we are considering it with a view to protect our manufacturers. I think, Sir, these are the only points which call for explanation.

Lieut. Raja Durga Narayan Singh:—I want to bring to the notice of the Government a very important question in connexion with the Industries department. I want a school at Farrukhabad for painting curtains. The painting work of Farrukhabad is famous not only in Farrukhabad but throughout India. It is not only famous in India but in foreign countries also where large quantities of such curtains are exported. Those foreign countries appreciate the printing work done at Farrukhabad. This industry is now in the hands of some local gentlemen, but it cannot survive much longer if the Government does not share the responsibility and take the industry in its own hands. If the local people are trained properly in that industry I think a majority of them will be able to earn a livelihood by means of that. I put some questions in the Council regarding this industry, but I received only evasive replies from the Government. The Hon'ble Minister, the Nawab Sahib of Chhatari, now Home Member, visited Farrukhabad some time back. A representation was made to him that a dyeing and painting school should be opened at Farrukhabad. He promised to give his utmost consideration to the question of opening a school there, but I am very sorry to remark that no action has been taken as yet. I hope Government will take up the question now and send some expert there to find out what the department can do in this direction.

Rai Bahadur Thakur Mashal Singh: Ignorance is the mother of all evils, and when honourable members bring forward these token motions, they do so in order to elicit information from the Government and to dispel the ignorance which exists in their mind. Mr. Hallows has given a very lucid and vivid account of the activities of the superintendents of industries. I think that now that they have finished their labours in connexion with the industrial survey reports, they have got very important work before them, and it is this, that wherever they find scope for the development of a certain industry, they ought to encourage people to open factories there. The divisional superintendent of this division, I find, is doing very important work in connexion with the establishment of industrial schools. In my district, only lately, he has been able to unearth Rs. 15,000, which had remained locked up with a man for over fourteen years. With this money as also with the help of private subscriptions there is going to be established a carpentry school in my district. If such is the work of divisional superintendents, I see no reason why they should not be retained. The Hon'ble Minister of Industries must congratulate himself that he has got in the department of Agriculture an officer like Mr. Clarke and that in the department of Industries he has got such a competent and capable man as Chaudhri Wajid Husain. I have no doubt that the day the Director of Industries finds that there is not

enough work for any of the divisional superintendents, he will not retain him.

Kunwar Jagdish Prasad : I have very little to add to the very full and lucid explanation which has already been given by the Deputy Secretary as regards the functions of the divisional superintendents and the need for retaining their services permanently. My honourable friend, the member for the British Indian Association, naturally inquired as to what had been done for the district from which he comes, namely Sitapur. I understand that the Director wrote and asked the district board there whether they were prepared to open an aided school on the recognized principle that we have adopted in giving support to such institutions, that is the half-and-half basis. But his efforts have so far been unsuccessful. If my honourable friend can induce the district board to revise their previous decision, we should be only too glad to come to their assistance.

As regards the question of the distribution of the reports of divisional superintendents to co-operative societies, I may say that it is indeed a very valuable suggestion. Hitherto we have not acted on it, but we propose to do so in future.

I now come to the point raised by my honourable friend, the member for Farrukhabad. The replies given by the Hon'ble Home Member were not evasive, but based on past experience. We had opened a painting school at Farrukhabad, but owing to trade jealousy, it was not a success. Honourable members know that the painting trade at Farrukhabad is the monopoly of the Sadhs. They have many trade secrets, which they do not wish to disclose. I may, however, assure my honourable friend that if there is a possibility of opening a painting school there, which can be to the advantage of the district, we are quite willing to reconsider the matter. We will ask the Director of Industries to re-examine the position. These are, I think, the only points which had remained unanswered, and I hope honourable members will be now quite satisfied with the attitude of the Government.

Rai Bahadur Lala Mathura Prasad Mehrotra : I am sorry that some of the members have misunderstood me. I never said that I was in favour of the abolition of the divisional superintendents. I do realize that is necessary to keep them on. What I wanted to inquire from the Government was whether they had made proper use of their recommendations or whether they had shelved them. I will just point out one or two things before I withdraw my motion. Mr. Hallows has just said that they are kept to collect information. All information that was to be collected has already been collected and issued in a book form.

Khan Bahadur Mr. Ashiq Husain Mirza : Is the honourable member in order in making a speech if he wants to withdraw his motion?

The Deputy President : The honourable member had better not make a speech if he wants to withdraw his motion.

Rai Bahadur Lala Mathura Prasad Mehrotra : I bow to your ruling, Sir. I want to take an assurance from the Government before I withdraw my motion.

What is required now is that the divisional superintendents should be trusted more. They should not be made only correspondence clerks. Their recommendations should be given effect to and they should be

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asked to visit co-operative banks and induce them to form industrial societies. It is not very difficult for the inspectors to go to co-operative banks and induce the directors and the residents of those places to open cottage industries.

Mr. Muhammad Aslam Saifi : Is the honourable member in order in raising new points in his speech.

The Deputy President : No. He should not raise new points.

Rai Bahadur Lala Mathura Prasad Mehrotra : I want this assurance from the Government that they will make proper use of the services of the divisional superintendents as I have suggested and not keep them as correspondence clerks alone.

Hon'ble Thakur Rajendra Singh : I assure my honourable friend that full use will be made of the services of the divisional superintendents. The honourable member's observations will receive our consideration.

The motion was, by leave of the Council, withdrawn.

Motion No. 8—Not moved.

Khan Bahadur Maulvi Fasih-ud-din : I beg to move that the demand concerning the erection of a demonstration oil mill under "Technological Institute" at page 110 of the Civil Detailed Estimates be reduced by Rs. 37,000.

I bring forward this motion, because I find from the memorandum that this amount of Rs. 37,000 has been budgeted for a demonstration oil mill in connexion with the Technological Institute. I am not aware of the activities of this institute.

As regards the manufacture of oil, I think that unless a satisfactory and full explanation is coming forward as to what use this sum will be put to and as to what advantages it will confer on those who go to learn oil pressing, the House will not be prepared to accept this additional and new item. I am on principle not in favour of centralized industrial institutions in preference to various small institutions outside the headquarters of districts and rural areas, and for this reason I am rather suspicious about the money being utilized properly. I shall be glad to withdraw my motion if a satisfactory explanation is coming forward.

Kunwar Jagdish Prasad : I think if my honourable friend would pay a visit to the Technological Institute at Cawnpore, much of his misconception would be removed. Honourable members are probably aware that at the Technological Institute there is a course in oil technology. It is a three years' course, to which students who pass the B.Sc. examination are admitted. We have got a man with a large experience as the head of the oil department. I mean Mr. Duke. He has been making representations to us that our system of pressing oil is antique, that there is a good deal of waste and that there is a large scope in these provinces for the use of machinery for extracting oil. As an illustration of the demand for men trained there, I may inform the House that the graduates from the oil section of the Technological Institute find ready employment, and I understand that for the next three or four years the services of graduates coming out from the oil section have been requisitioned by firms in advance. This oil factory

which is going to be set up will show the students how machinery can be worked. One of the most important sources of expansion in this province is the establishment of an oil industry on modern lines. This is the reason why we have made provision for this particular item.

Khan Bahadur Maulvi Fasih-ud-din : Before I withdraw my motion, I should like to be satisfied on the following points :—

- (1) Whether this oil factory is to be worked by an oil engine or by an electric engine.
- (2) Whether the department has satisfied itself that the students, desirous of learning oil pressing have sufficient money, so that after passing out from the institution they may establish such factories from their own funds.
- (3) Whether the department has satisfied itself that the students who are poor, are not likely to forget what they have learnt.

Kunwar Jagdish Prasad : As regards the first point as to how the machine is going to be worked I may say that it is going to be worked by steam. As to the second point that the students should not forget what they have learnt, I can only hope that they will not. If however they do, Government will not be responsible for it. They are not taught with the object merely of forgetting what they have learnt. As regards the third point, I may say that the students will, we hope, find employment and will be all to show to the people that the introduction of machinery for oil pressing is a profitable investment. I think you want to train the men to look after machinery. That is a very important part of the duties of the Government to train men to run oil factories and to show to business men that oil factories can be run at a profit. Some of them I hope will set up factories for themselves, but that is a point on which we are naturally not in a position to give an assurance.

Khan Bahadur Maulvi Fasih-ud-din : I beg to withdraw my motion.

The motion was, by leave of the Council, withdrawn.

Motion No. 9.

Mr. Muhammad Aslam Saifi : I beg to move that the demand of Rs. 5,517 concerning travelling allowances under "Technological Institute" at page 110 of the Civil Detailed Estimates be reduced by Rs. 557. I notice in the budget that under this head there is an increase of more than double what was budgeted last year and as I am not aware that any of the officers connected with this institute have to undertake any travelling, this increase from Rs. 2,960 to Rs. 5,517 was not quite intelligible to me. I therefore request the Government kindly to enlighten me.

Mr. B. J. K. Hallows : I think I can satisfy the honourable member as to the reasons for this increase. The increase is actually Rs. 2,557. But Rs. 1,000 of this is only a transfer from one item to another and does not constitute real expenditure. This Rs. 1,000 was originally entered under the head "training of oil students." That leaves Rs. 1,557 to account for. I think that the honourable member is not aware that not only is the travelling allowance of officers paid out of this head but also that of the advisory committee, which meets fairly frequently, of the Industrial Chemist and also the establishment of the

[B. J. K. Hallows.]

Technological Institute. He may ask why it is that the officers of the institute have to travel. Well, in the first place it is not merely an educational institute, merely a teaching institute, it is also for purposes of research; and it is of first importance that expert officers like our oil expert, the general chemistry expert, and the leather expert should see the men on the spot and consult with the local manufacturers who wish for advice. In addition, as you know perhaps, Mr. Duke goes with the various oil students to Bombay and all round India to see the methods of large mills in other provinces. This is fairly expensive. This is all paid for from this head. Then the staff also go to the factories to negotiate with proprietors for the employment of students, and you may be surprised to hear, I confess I was surprised myself, that every single student of the Technological Institute has either been employed in the mills of others or has started a mill of his own. Thus the tours made by the Principal and his assistants of the Technological Institute with a view to finding employment for the students have been abundantly justified.

Kunwar Jagdish Prasad : I just wish to explain one point. If the mover will turn to the memorandum he will find that Rs. 44,000 of the increase is due to two items, Rs. 37,000 for the erection of a demonstration oil mill, about which I have already explained to the House, and Rs. 7,000 additional expenditure on plant, etc.

The motion was, by leave of the Council, withdrawn.

Motion No. 11.

Rai Bahadur Thakur Mashal Singh : I beg to move that the demand of Rs. 1,03,030 concerning salaries of Principal and other gazetted officers under "Technical and industrial institutions" at page 110 of the Civil Detailed Estimates be reduced by Rs. 3,900.

I find that there is a provision included in this allotment for the appointment of a craftsman to the Arts and Crafts School, Lucknow. I do not know how this new post of craftsman is being created. It is obvious that the man who is going to be appointed cannot be a master of a dozen crafts which are being taught in the school. He may know one or two. But should we have such a high paid post for this? It may be said that he will do the supervising work of other teachers, but it can be asked pertinently "Why are you going to appoint a fourth man when there are three supervisors already on the staff, the Principal, Vice-Principal and the Head Master"? As the appointment of all these officers was made in the year 1925, I do not know why one of these posts was not given to a craftsman. I think it would have been far better if a craftsman had been appointed in place of the Head Master or Vice-Principal. I presume that some European gentleman is being imported from England for this post. I strongly protest against this, not on racial grounds, but in the interests of our national crafts. I believe, if the Hon'ble Minister of Education had been here, he would have borne me out that much mischief has been done by thrusting European artists in Indian art schools. Critics like Birdwood, Havell and Kumarawami are unanimous in holding that the well-intentioned efforts of the Government in improving Indian arts and crafts have resulted in a hybrid production which is a disgrace to the country of the Taj, Sanchi and Ajanta. I, therefore, ask the Government to cut this amount and utilize it in

employing two or three *ustads*, experts in their crafts, and in giving stipends to students. After the students have received education in these crafts from the Indian *ustads* they may be allowed to go abroad to improve their knowledge and technique if necessary. In this way perhaps the department will get more trained men, who would be useful in spreading industrial education among the masses. *The clay models of the Council Chamber*, prepared by the students of the Art School, are open to the public view. What a hideous look they present. It is necessary that to improve the Indian crafts we must employ Indian craftsmen and our boys should receive education from these craftsmen. After the completion of their education they should be sent abroad so that they might complete their education by improving their knowledge which they have received here in India in our arts schools. With this view I have moved this cut and I hope that this suggestion will be accepted and I will not have the necessity of pressing this motion; otherwise I will have to press it.

Rai Bahadur Lala Mathura Prasad Mehrotra: My honourable friend Rai Bahadur Thakur Mashal Singh has anticipated me. Now I want just to add a word or two as a protest against this new expenditure. This new item regarding the post of the craftsman in the Arts School has been brought before the Council and the members of the advisory committee have not been consulted at all. It was but proper for the Government to take the advice of the members of the Advisory Committee. It is an open secret that the members are only to give their advice, but if there is a committee for the school, though with little power of advice only, it ought to have been consulted upon an important point like this. Their opinion ought to have been invited. As regards the rest of this speech I associate myself with the views that the honourable member has just stated on the matter.

Dr. Shafa'at Ahmad Khan: May I move my motion?

The Deputy President: If your motion deals with the same point, I think instead of moving your motion you can support this motion.

Dr. Shafa'at Ahmad Khan: My motion deals with technological institutions.

The Deputy President: That is another matter.

Kunwar Jagdish Prasad: I know I am treading on delicate ground. The proposal that is now before the House had been very carefully thought out when I was away on leave, and the officers who made this proposal had had much greater experience of industrial development than I can pretend to have. I also understand that the matter was placed before the Finance Committee. Of course I cannot disclose the proceedings of that Committee, but this much I can say that the proposal having gone through the Finance Committee is now before the House. I think the idea in having a craftsman was that we should get a man who was fully conversant with the technique of industrial arts and we therefore intend to bring a man out here for a short time from England, so that he may prepare Indians to take his place as soon as they have received sufficient instruction. I quite realize that if we can get a competent Indian here we should certainly employ him. Now the two points before the House are, first, whether such an officer is required, and secondly whether he should be imported from England for a short time. These are the two points on which the decision of the House is required,

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and the Government will abide by the decision of the honourable members. I have already said that this matter was carefully considered before. Mr. Haldar, as honourable members are aware, is an artist. He is a painter of great distinction, but there are other crafts taught at the school with which he is not familiar. We should certainly like that there should be somebody who can give instruction in such subjects as are based on scientific knowledge, as for example, lithography. This is the reason why this proposal has been brought forward.

Lieut. Raja Durga Narayan Singh: The presumption of my honourable friend Thakur Mashal Singh is quite correct. This post, as my friend Kunwar Jagdish Prasad has just informed us, is being created with a view to popularize, and to afford facilities for, industrial education, but I do not agree with Kunwar Jagdish Prasad with regard to the appointment of an expert. He, being an Indian, is well aware of Indian arts. If the department had taken a little trouble in advertising the post, I am sure not only one expert but more than half a dozen experts would have been available in India itself. We therefore, want a clear assurance from the Government that instead of importing a man from outside, they will try to find out a man in India, who will be cheaper and more expert in Indian arts.

Hon'ble Thakur Rajendra Singh: I assure the honourable members of this House that we will try to find a suitable Indian for this post, but if we fail in our efforts, then I hope the House will permit us to import a European.

Rai Bahadur Thakur Mashal Singh: Well, Sir, Kunwar Jagdish Prasad has said that this proposal was approved by the Finance Committee.

Kunwar Jagdish Prasad: No, Sir, I did not say that. What I said was that this proposal had been before the Finance Committee.

Rai Bahadur Thakur Mashal Singh: Yes, it is true that this proposal has been before the Finance Committee, but honourable members will remember for how many times the Government have acted in accordance with the decisions of the Finance Committee and on how many occasions the recommendations of the Finance Committee were not adhered to.

Pandit Brijnandan Prasad Misra: What was the decision of the Finance Committee in this respect?

Rai Bahadur Thakur Mashal Singh: There are cases in which matters were not at all brought before the Finance Committee and they were brought direct before this Council.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: Question?

Rai Bahadur Thakur Mashal Singh: I have a ready reply to the Home Member. I may remind the honourable members about the case of telephone from Bareilly to Delhi in regard to which I put a question in this House once, when a supplementary demand was before the Council asking why the matter was not brought first in the Finance Committee and why it was brought straight in the Council over the head of the Finance Committee; but no answer was given by any honourable member on the Government benches. This shows that the Government themselves do not pay any regard to the decisions of

the Finance Committee. In this particular case, I may say—I hope my honourable friends on the Government benches will pardon me for saying this—that it has now become a custom that whenever an officer goes to England, he fixes his eye upon a man and when he comes back here, a post is created and offered to that man. This is a very objectionable practice and I denounce it. On behalf of the Government it is said that they will try to secure a suitable Indian. What I say is that you need not try to secure any suitable Indian, but you should appoint two or three *ustads* who may be experts in various kinds of workmanship.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Even if they are unsuitable?

Rai Bahadur Thakur Mashal Singh : In the art and crafts school you want to teach Indian crafts and not European crafts. How can a European craftsman be suitable to teach Indian crafts. In Europe handicrafts are very few and in most cases machines are used at one stage or another. What can a craftsman trained in European methods do for us. He will again produce a hybrid thing which will be neither Indian nor European. I would therefore advise the Government to give up this scheme. I would propose instead to employ three or four good Indian *ustads*, experts in their line, and to give them pure Indian design, etc. Indian students may be put under their tutelage, and when they have completed their education according to Indian traditions, they may be sent abroad to supplement their knowledge if there is any deficiency about technique. I will ask the honourable members on this side of the House that they must take interest in this matter and should not allow the Government to do a wrong to Indian arts and crafts. The Government makes a show of advertising and then says that no Indian is forthcoming. A European will be imported from Germany or from Switzerland or from some other country. He cannot grasp the beauty of our art. If this is allowed to be done, perhaps the beauty of the Indian art will vanish from the face of the earth. It is necessary in the interest of Indian arts and crafts that the methods of Indian craftsmen should be preserved and for this reason I crave the assistance and help of my friend, the Minister of Education, who is well versed in these things. He abstains from saying anything in support of my motion because he happens to be sitting on that side of the House. I think he should call a spade a spade. He should not hesitate in saying this. I think I will have to press the motion, though it may be defeated on account of our minority in the Council. But I think justice and reason are on my side.

The motion was put and adopted.

Motion No. 12—Not moved.

Khan Bahadur Maulvi Fasih-ud-din : I beg to move that the demand concerning the aid to technical institutions under "Technical and industrial institutions" at page 110 of the Civil Detailed Estimates be reduced by Rs. 35,000.

Before I say anything I should like to make it clear that I am not at all opposed to any aid to private technical institutions; rather I am in favour of this aid in preference to the expenditure on centralized institutions, but at the same time it is my firm conviction, it is my decided

[Khan Bahadur Maulvi Fasih-ud-din.]

opinion that this aid should be given only to those institutions where they are expected to thrive, where the atmosphere is congenial to the establishment, growth and development of those particular industrial institutions and so the cut that I am proposing is not on the ground of principle, but on the ground that the aid which is being given to certain institutions is misplaced considering the environments of the places in which those institutions are proposed to be established.

There are six items which cover the total expenditure of Rs. 35,000 which I wish to cut and I propose to give each item in detail and say a few words about that particular item.

The first item is of Rs. 6,000 which is proposed to be given for the establishment of a carpentry school at Naini Tal. I do not see any reason for establishing a carpentry school at Naini Tal, where, as we know, there is very little fixed population. Naini Tal is no doubt the summer headquarters of the Government, but it does not in my opinion require any carpentry school and for that reason I propose to cut down this item.

The second item is of Rs. 5,000 for the establishment of a weaving school at Almora. I do not know if there is any real demand for a weaving school in an out-of-the-way hill station like Almora or if hand weaving is done there on a large scale. If it is done, then I will not be opposed to this item, otherwise I think it will be a useless waste of money to start any weaving institution at a place like Almora.

The third item that I propose to cut down is of Rs. 5,000 for the establishing a show room in connexion with the Lucknow Emporium. This emporium, I believe, is meant to collect all the curiosities of the province—the Benares brass work, the Moradabad work, and so on, and I believe that these curiosities are collected in order to satisfy the curiosity of the English tourists, for that reason I think that any extra expenditure on this institution is not at all advisable.

The fourth item that I have got in my list is an item of Rs. 10,000 for establishing a cotton printing school at Bulandshahr. I am not aware that, except perhaps at Jahangirabad, there is any cotton printing industry in the whole district of Bulandshahr. The most suitable place for a school of this kind would have been Farrukhabad, where cotton printing is going on on a very large scale and where a school of this kind would have thriven much better than anywhere else in the province.

The fifth item that I wish to point out is the item of Rs. 5,000 in respect of games. This is quite a new item. Hitherto no allotment was made for games. I believe there are very few industrial schools in the province and I see no reason why the Government should pay Rs. 5,000 for encouraging games. In the ordinary schools of the Education department the procedure is that each student has to pay four annas for games and there is a game fund for that purpose. Why not adopt the same practice here in connexion with industrial schools? I believe that there are boys of well-to-do families reading in the industrial schools. They are not all beggars and if they cannot afford to pay four or eight annas a month for games it is not worth while to teach them any industry at all.

At this stage the Hon'ble the President resumed the Chair.

So this new item of Rs. 5,000, I think, may be deleted.

The sixth and the last item is that of Rs. 4,000 to a private gentleman in Benares for starting a carpentry school. I do not see any *raison d'être* for giving this four thousand to a private man in the Benares city for starting a carpentry school. Benares has never been known to be a unique place for carpentry work. Bareilly is the place for an industry of this kind and specially why should a private man be selected in order to start a carpentry school at Benares.

I should like my motion to be put to the vote in this Honourable House separately, item by item, so that I may be able to know what items I should insist on and what items I should withdraw.

Pandit Nanak Chand : I had no intention of speaking to the hydra-headed motion of my friend Khan Bahadur Maulvi Fasih-ud-din. Had it not been for the small school which is after considerable delay proposed to be started at Bulandshahr that he has attacked, I would not have risen to take part in the discussion of his reduction. He has not pointed out any reasons why a school should not be started at Bulandshahr. He has already admitted that there is a town known as Jehangirabad in the Bulandshahr district which has got a fairly extensive trade and business in cloth printing.

Khan Bahadur Maulvi Fasih-ud-din : I did not say a fairly extensive trade in Jehangirabad.

Pandit Nanak Chand : He admitted the existence of cloth printing industry at Jehangirabad. He further asked why no school was established at Farrukhabad? I have no quarrel with Farrukhabad. When there is a proposal before the House to open a school at Farrukhabad it will have my hearty support. But as to why this school is established at Bulandshahr and not at Jehangirabad I may be permitted to inform my friend Khan Bahadur Maulvi Fasih-ud-din that it is better to locate this school at Bulandshahr in the interest of the students from all parts of that neighbourhood and even from Budaun so that they can get the advantage of instruction at this school. Jehangirabad will be out of place for a school and there will not be many students from other places who would go to Jehangirabad. The location of the school at Jehangirabad will give the people an impression that it is meant exclusively for the cloth printing trade of Jehangirabad; while our aim should be to attract students not only from Jehangirabad to improve the local industry of that place but also to extend this industry to other places and to introduce improved methods. I hope my honourable friend will see his way not to press his motion for reduction at least for this school.

Kunwar Jagdish Prasad : I think my honourable friend Khan Bahadur Maulvi Fasih-ud-din is rather in a destructive mood today. If his proposals were all accepted all new items of expenditure on the establishment of new schools would be cut out. My honourable friend very courteously gave me a list of the schools which he thought should disappear. Of course I noticed at once that Budaun was not in the list. Now taking the six items which are mentioned the first three are :—(1) The Naini Tal Carpentry School, (2) Almora Model Weaving School, and (3) Arts and Crafts Emporium, Lucknow. Provision for these three was made by supplementary estimate and the Council voted this amount, and so far as I have been able to ascertain, my honourable friend Khan

[Kunwar Jagdish Prasad.]

Bahadur Maulvi Fasih-ud-din did not raise any protest at the time or recorded his vote against these. The other three items are (1) games, (2) grant to the Batuk Prasad Carpentry School, Benares, and (3) the Cotton Printing School, Bulandshahr. These are of course new items. I will take the school at Benares. Honourable members perhaps know that Rai Bahadur Babu Batuk Prasad has given over a lakh of rupees in trust for the establishment of this school. And we are merely giving aid on the half and half basis for the maintenance of that school. That is our justification for the carpentry school at Benares. As regards the item for games, it has been brought to our notice that the boys trained in our technical schools are physically poor and when they go to factories they are unable to stand the strain, and I am sure it is only right that when boys have to go through a good deal of physical strain we should provide for making them physically strong so that they may be efficient workmen. As regards the Bulandshahr cotton printing school, the member for Bulandshahr has defended that item very well. I may also observe that the honourable member for Budaun probably wishes to take advantage of the absence from these benches of the representatives of the Naini Tal, Almora and Benares districts. I am sure if those members had been here he would probably not have moved this reduction or if he had it would have been strongly opposed. In any case they will be here again on the 29th when the Tenancy and Revenue Bills will be under consideration and he, as the representative of the landlords, would perhaps let them have these schools in order that they may be in a reasonable mood . . .

Khan Bahadur Maulvi Fasih-ud-din: I beg to submit that I take exception to these personal references.

Hon'ble the President: The honourable Education Secretary should not offer a hint to the honourable member from Budaun.

Kunwar Jagdish Prasad: I did not mean to be personal, Sir, or to offend the honourable member, for whom I have the highest respect. I hope in view of what I have already explained he will reconsider his motion and withdraw it.

Khan Bahadur Maulvi Fasih-ud-din: I want these items taken separately.

Hon'ble the President: Will you tell me each item separately and the amount with regard to it which you wish to have reduced?

Khan Bahadur Maulvi Fasih-ud-din: First the carpentry school at Naini Tal, Rs. 6,000; second the weaving school at Almora, Rs. 5,000; third the show room to be attached to the Lucknow emporium, Rs. 5,000.

Hon'ble the President: Under "show room" there is a motion by Mr. Mehrotra. The honourable member had perhaps better speak to this motion?

Rai Bahadur Lala Mathura Prasad Mehrotra: My motion is a general motion, Sir.

Kunwar Jagdish Prasad: As there was a separate motion dealing with the emporium show room, I did not at this stage explain fully all the facts regarding the show room. Will you, if you rule out that motion, permit me to speak now on this matter. There is a cut of

Rs. 35,000 in the present motion and I do not know whether the honourable member should be allowed to ask for items to be put separately.

Pandit Brijnandan Prasad Misra : Is this weaving school in Almora for wool?

Kunwar Jagdish Prasad : Yes.

Rai Bahadur Thakur Mashal Singh : I think the honourable member for Budaun is not in any destructive mood, but he is open to conviction. He wants to know whether a certain school is fit to be established in a certain locality or not. That is his sole aim. If the place is not proper, if the school is not suitable to that place, then he will certainly press his motion. If however he is satisfied on this, I do not think he will press the motion. As regards the Bulandshahr school I was myself in doubt and this doubt has not been removed either by the Secretary for Education or my friend on my right. I have visited Jehangirabad and I have seen there is a pond the mud and water of which is used for bleaching and printing purposes. I do not know whether there is a similar tank at Bulandshahr or whether facilities exist there or not.

Hon'ble the President : The Bulandshahr school item has been withdrawn, it is not now within the purview of the House.

Rai Bahadur Thakur Mashal Singh : So I think as regards these several institutions which are proposed to be established, if the Minister for Industries will enlighten us on those points the honourable member for Budaun will see his way, if convinced, to withdraw his motions.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : With your permission, Sir, I would like to explain a few points about these schools because it was in my time that it was decided to open these schools in different places. As to the schools that were opened at Naini Tal and Almora, I remember, that was according to the recommendation of the Burn Committee that more schools should be opened, and after consulting the members of the Council coming from those localities, that is Naini Tal and Almora, we decided to open these schools there. My honourable friend the mover has said that as the population in Naini Tal is not stationery, they always go down to Haldwani for the winter and live only six months in Naini Tal, therefore there is no need to open a school there. But so far as wood-work is concerned, Naini Tal by itself is a very good market for these things. There are many houses requiring to be furnished there. About Almora our weaving school is chiefly for spinning wool and as I hope my honourable friend from Pilibhit will bear me out, it will be a good thing to have that school somewhere in the hills where they generally get wools from Tibet or Nepal.

The other question is about the Emporium, that was also decided I think, in this House in supplementary estimate, that the show room should be opened somewhere in Hazratganj and this is also in accordance with the recommendations of the Burn Committee, that the show room should be separate from the Art school and it was on that recommendation that we decided to have a show room in Hazratganj where people may be able to see the various manufactures of India. These were the reasons we started these three institutions, and I hope the honourable member will be satisfied that it is necessary and in the interests of the different industries in the province that we have started these institutions.

Khan Bahadur Maulvi Fasih-ud-din : I beg to submit that I am not in any destructive mood this afternoon nor have I been in such a mood throughout the whole of my life. I did not wish to take advantage of the absence of our Swarajist friends. On the other hand I feel that any motion which is pressed in a thin House, opposed as it will be by the whole galaxy of Government benches, has absolutely no chance. So my position today is quite the reverse of what has been attributed to me. I am not at all satisfied that there will be sufficient number of students to learn carpentry at Naini Tal, although there is, no doubt, a good demand for carpentry work there. Again I am not at all satisfied that there will be sufficient number of students for learning weaving at Almora. I am also not satisfied that the emporium at Lucknow is serving any useful purpose. But considering the fact that the attendance in the House is so thin and that I stand no chance of carrying these motions, on second consideration I beg to withdraw them.

The motion was, by leave of the Council, withdrawn.

Motion No. 13.

Mr. Muhammad Aslam Saifi : I beg to move that the demand of Rs. 8,38,646 concerning technical and industrial institutions under "35A—Industries—salaries" at page 110 of the Civil Detailed Estimates be reduced by Rs. 46. My object in moving this motion is

Hon'ble the President : What is the magic figure 46?

Mr. Muhammad Aslam Saifi : I hope it will lead to some such result, Sir. My object in moving this cut is to invite the attention of the Government to the leather school established at Agra. I am, Sir, quite in agreement with the policy of the Government in establishing technical schools, because that is one of the crying needs of the times. But, Sir, there is such a thing, when one goes on multiplying these institutions, as redundancy. Especially in the case of Agra where there are hundreds of factories already established for the manufacture of boots and shoes, a Government leather school which can only teach very ordinary kind of manufacture in this line, is not very desirable. When I was at Agra last February I consulted some of the owners of these factories. There are at present eight thousand first class craftsmen and artisans who make boots and shoes there. The school will take two years to produce a young man who will be able to make a pair of boots or shoes, but he will not equal any of these workmen who work in those factories, much less excel them. I think therefore the expenditure on this school is not a very desirable investment. On the other hand I have been assured that it would have been better, if it is the wish of the Government to enable our young men to learn this industry, if they could give them some small stipends and send them to the factories that are already established and doing good business. I regret that when I was there I was not able to visit the school, though I planned to do so. I think this is a matter into which the Director of Industries might go personally, because I have been reminded that I am personally responsible for the establishment of that institution. The Hon'ble the Home Member, who was formerly in possession of the portfolio of Industries, will remember that I had submitted him a note in which I expressly stated that instead of establishing a leather school, a factory equipped with the modern machinery might be established there, for that was the real desire of the owners

of all sorts of factories—factories which employed numerous workmen and those which had a limited number of workmen. In reply I was told, both privately and officially, that experts had been consulted, and they differed as to the desirability of establishing a factory equipped with modern machinery. Sir, I have never come across experts unanimously agreeing upon any point. There are experts who think that the establishment of a factory equipped with modern machinery is far more advantageous than the establishment of a school. I am a layman, but all the same I use my eyes. When I went to Agra I discovered—and indeed anyone can see that for himself—that the boots manufactured there were as good as those made in England. Therefore, it is evident that a school in that branch of industry is not really wanted there.

Kunwar Jagdish Prasad : The school was established after the officiating Director of Industries had visited the place and after he had consulted the chairmen of the district and municipal boards. If the scheme has not worked properly, the Government are quite prepared to ask the advisory committee of that school, of which the Hon'ble Saiyid Al-i-Nabi is chairman, whether it is the desire of the people that it should be abolished. We established the school, as honourable members are aware, with the idea of encouraging the manufacture of boots and shoes, and if that purpose has not been served, we are quite prepared to close the school.

The motion was, by leave of the Council, withdrawn.

Motion No. 15.

Rai Bahadur Lala Mathura Prasad Mehrotra : I beg to move that the demand of Rs. 8,07,206 concerning technical and industrial institutions at page 110 of the Civil Detailed Estimates be reduced by Rs. 1,001.

My object in bringing this motion is to raise a general discussion on the Lucknow Arts and Crafts Emporium at Hazratganj. When the question came up before the House on December 14 in the form of a supplementary estimate, I made certain suggestions to the Government, but I am sorry to say that they have not at all been considered. My honourable friend Rai Bahadur Babu Vikramajit Singh also made some suggestions and they have likewise been ignored. I expressly told the Government that there was no need for taking a show room on Rs. 400 a month when a shop at Rs. 160 was available. But, Sir, the shop at Rs. 400 has been taken and the upper storey is lying vacant because there is no way leading to the storey to get it subletted. It was for the sake of economy that I suggested that the Japanese mart at Rs. 160 should be taken. The emporium is still in an experimental stage. It was removed to Hazratganj, which, being freely visited by the public, it was hoped that the emporium would be a success there. It was also said that it would be run on business lines, but I can say that it is run on most unbusiness-like methods. Babu Vikramajit Singh Sahib in his speech suggested that "a business concern must be run by business men and, if therefore it is intended that this emporium at Lucknow should be a success, they ought to have a committee of non-official business men who should be put in charge of it, not as an advisory committee but they ought to be given the same powers as the directors of banks and business concerns are given. They ought to have

* [Rai Bahadur Lala Mathura Prasad Mehrotra.]

powers of appointment of proper and suitable men as managers to run the concern on business lines". No manager has yet been appointed. Men who are working as salesmen are students of the law class, about whom a reference was made in this House. I ask the Government if the emporium is to be run in this way it can ever be a success. It is very necessary that there ought to be one or two expert salesmen. The clerks who used to do office work are now carrying on sales. All that they can do is to realize the price of the articles put in the show room on their disposal if any customer comes. They cannot induce customers to buy things by pointing out that they are suited to them and that the price of the articles is comparatively cheap and so on. If the emporium is not run on business lines, it will be a failure just as it has been for so many years.

Kunwar Jagdish Prasad : I am glad that my honourable friend has brought the question of the emporium before the House. I will first take up the question as to way this particular shop was taken. I understand that the rent of the Japanese mart was about Rs. 164 per mensem. But there was a condition that the shop would have to be taken for three and a half years and there was also the further condition that we would have to take all the fittings at a cost of Rs. 5,000. The shop which we have taken can be got rid of at any time. It is on a month-to-month rental.

I have visited the emporium and I think that its running at present needs looking into. The Government propose to ask the Director of Industries, in consultation with the advisory committee, to re-examine the whole question. Our intention in removing the emporium to Hazratganj was that it should be run on a commercial basis. The advisory committee will have full opportunity of examining the whole question. I quite recognize that the present running charges are expensive, and so far, though the sales have increased, they have not increased to the extent we expected. The present arrangements are capable of improvement. But it is difficult for me to discuss in detail on the floor of the House what improvements can be made. I do not think it is the intention of my honourable friend to discuss these details in this House. What he wishes, perhaps, is just to impress on the House that the matter requires looking into.

Rai Bahadur Thakur Mashal Singh : What about law lectures ?

Kunwar Jagdish Prasad : We have issued orders forbidding Mr. Farruqi to attend law lectures. But these are matters which can be examined by the advisory committee.

Rai Bahadur Thakur Mashal Singh : I do not understand why a man who is appointed temporarily has been asked not to attend law lectures. He has been attending them up to this time with the implied permission of the departmental head. Now when he is going to appear in the final examination, why should he be disallowed to attend law classes ? When a man is discharging his duties properly in office during the office hours, I do not see any reason why he should not be allowed to attend law lectures in the evening. If he is not allowed, it is nothing but injustice. He should be allowed to add to his qualification a knowledge of law which will be of use and service to him in his future career.

Rai Bahadur Lala Mathura Prasad Mehrotra: My honourable friend has not grasped my point. I have said that a law student can never be a thorough business man. He is a student after all.

The motion was, by leave of the Council, withdrawn.

Motion No. 16.

Rai Bahadur Thakur Mashal Singh: I beg to move that the demand concerning technical and industrial institutions at page 110 of the Civil Detailed Estimates be reduced by Re. 1.

My object in moving this token cut is to draw the attention of the Government to two points concerning their policy of industrial education. Firstly I object to their concentrating too much attention on some of the white elephants of the department. I mean the Technological Institute and the Textile Institute, neglecting the rural areas altogether. The Technological Institute and the Textile Institute are no doubt good institutions, but they are much in advance of the times so far as our provinces are concerned. They are meant to train high-class men, who do not get employment in the mills, nor are they in a position to start business of their own. The Industries Secretary has just said that all the students have been provided, but so far as my knowledge goes, students who pass these examinations from the Technological Institute and Textile Institute do not get employment. If they go to a mill run by a European they cannot get employment there, because the European mills get raw youths from England, and do not appoint men trained in these institutes. The Indian mills prefer mistris and raw men, who do not ask for such high salaries as these trained men who are turned out of these institutes. I would, therefore, ask the Government to try to carry on experiments with the new small machines, so that the middle-class men who can afford only a small capital can learn the use of these machines and appliances and start their own small business with a small capital. In this way perhaps it would be a sort of encouragement to cottage industries, because mills on a big scale and firms on gigantic proportions are beyond the means of the middle-class people. We are a people of small cottage industries and the Government should try its best to introduce small machines instead of trying to train educated coolies for the big mills which perpetually close their doors against our men in preference to their own kith and kin. A very elaborate scheme is not necessary. The various technical institutes may be asked to try these machines and grants may be given to them for this purpose. They should prepare schemes for small capitalists so as to alleviate the sufferings of the middle-class unemployed youths.

The other point that I wish to urge is that the instruction given in these technical schools is very bookish. I say that these technical schools should be run on factory lines. The student should feel the atmosphere of a factory when he is being taught in these schools and not of a mere school. I think if this factory system is introduced and boys are taught there the actual value of labour and are given practical instruction in some industrial crafts, it would be far better for them. In the province of Bihar this experiment has been introduced and from the report of the Director of that province we know that it has proved a success there. So what I wish to emphasize is the point that the good work of the institute does not lie in merely training some youths in

[Rai Bahadur Thakur Mashal Singh.]

the technical line, but in giving them thorough practical training under actual factory conditions and in evolving by experiments such methods and appliances as would suit local conditions in these rural areas and as would benefit the cottage industries. To popularize the fly-shuttle looms and other appliances, demonstration centres should be established and not toy schools. The demonstration parties should send out small parties or single instructors to villages where they may settle down for a time and give instruction, and supply appliances, etc., on easy terms. This system is after travelling instructors of France and can be adopted in these provinces. The Hon'ble Minister of Industries should change this system of toy weaving schools which are neither properly equipped nor possess a competent staff and instead should try to have the small factory system. Our workers do not lack training so much as organization of sale and advertisement.

Dr. Shafa'at Ahmad Khan : I wish to draw the attention of the Government to the needs of the brass-ware school at Moradabad. As honourable members are aware, the school was started comparatively recently and last year I drew the attention of the Government to the necessity of developing the brass-ware industry of that place. I went to Moradabad about six weeks ago, and I inquired about the progress of that school. I found that the school is not developing on right lines, and has not made such progress as was expected. In the first place, the persons who are proficient in the industry, e.g., the artisans are very careful not to reveal the secrets of their trade. Then, in the second place, no adequate financial provision has been made for the institution. I know that the Hon'ble Minister of Industries, who is now the Hon'ble the Home Member, went there a short time ago and promised substantial help but I would urge upon Government the absolute need of giving more grant for the school. As pointed out by the Director of Industries in the report, the brass-ware industry of Moradabad is one of the most promising industries of the province. Again the brass-ware industry did very well in the Wembley Exhibition, and I remember reading a cable from England at that time that His Majesty King George V himself liked the products of Moradabad exceedingly. Just after the exhibition, a large number of orders were received by the Moradabad people direct from England and they found no difficulty in executing those orders. But the difficulty now experienced by them is that they are not brought into direct touch with the buyers in England. I was told by proprietors of several firms in Moradabad that this is a most serious difficulty and they have experienced it constantly for a long time. They can develop the industry, if the department of industries makes serious efforts to put them into touch with persons in England who want their products; but this, I am sorry to say, is not being done. What we want is that the department of industries should pay attention not merely to the development of technical education, but should also pay attention to fostering intimate, close and very friendly relations with the persons in the mufassil and in the various districts which are the helpers of various industries like Benares, Farrukhabad or Moradabad. They ought to have their own local agents in each district; they ought to have persons who can place them in touch with the people in England. The Lucknow emporium is not very popular with the manufacturers, and is not functioning well. The Government ought to take a keener, and more

active interest in the development of local industries, especially the industries of Moradabad.

Lala Babu Lal: The glass manufacture is one of the pioneer industries of the province, and it has a great future for itself. But it is a matter of regret that the industry is having bad times. The report for the year 1924-25 of the department of Industries says:—"The spell of depression in glass continued owing to the continued dumping of German and Japanese goods in the case of blown and pressed ware and Austrian and Japanese in the case of bangles and bangle glass." This is what the report says. Now the chief cause of this is that the railway freight is very unfavourable to their industry. The railway freight from Karachi to Allahabad is, I am told, about Rs. 3 a maund and from Karachi to Calcutta is, I am told, about Rs. 1-12 a maund. so the freight to Calcutta which is about 600 miles away from Allahabad is nearly half of that from Karachi to Allahabad. This means the railway freight between the two ports is about half of what is between Allahabad and Karachi. On account of that the German and Austrian goods can be dumped in the ports and from these ports into the country side. This is the chief reason and I would therefore urge upon the Government to take up this matter seriously so that this pioneer industry of our province may not be hampered and it should have a better future before it. The second thing that the Government can do is this, that they should buy all the glass requirements from this firm at Allahabad or Bahjoi. The third thing which the Government can do is to ask the Government of India to have the import duty on glass re-adjusted. These are the three proposals in regard to this and I hope that the Government will consider them favourably.

Now, Sir, I pass on to another very great industry which is connected with the welfare of the poor agriculturist—I mean the industry of handloom weaving. In my general discussion on the budget I have already said that this industry should be spread in the rural areas and should be made universal. Now, Sir, I find from the report that this industry has been suffering greatly. The report says that the number of persons supported by weaving in 1901 was 9,47,873. It was reduced to 8,53,133 in 1911 and to 7,31,813 in 1921. So it will be seen that about two lakhs of people have been thrown out of employment during the two decades. Of course the figures which I have quoted are the figures of 1921 report. I would have liked to give the latest information on the subject had the department supplied me with it, but I have to use the information as is provided by the Government. Of course I shall be very pleased to hear better prospects for this industry. Now, Sir, further on the report says:—"The rise in the price of yarn adversely affected the production and profits of the handloom weaver." I do not agree with that, for the rise in price has equally affected the mill-made products. It cannot be that. Further on the report says: "The weavers can compete successfully with the mills not merely in the production of finer fabrics, but also in the output of coarser counts . . . The difference in the cost of production between a mill and a handloom cloth is not considerable. It is evident from this that it is a paying industry and it requires to be spread in the rural areas. His Excellency the Governor in his speech to the darbaris over here also said the same thing. I think I have now made it clear that this industry is

[Lala Babu Lal. *]

economically paying, that it concerns the welfare of the masses, that no attention has been paid by the department so far and that it is now time that serious steps were taken by the Government in that direction. Then, further on the report says as follows, and I agree with it:—

"The main reason why handloom weaving is not progressing is that it lacks the advantages which accrue from organization, and it has no marketing facilities which is an essential concomitant of industrial production. The weaver pays heavily—sometimes as much as 25 per cent.—for his credit purchases of yarn; and is also fleeced by the middlemen who sell the finished products."

So these are the reasons why the handloom industry is not progressing. The remedy proposed by the Government is to have an emporium at Lucknow for the distribution of yarn. But one emporium can not meet the needs of 52 districts in the province. I therefore say that the present arrangements will not do for the 52 districts in the province. The Government ought to make better arrangements for this industry and better arrangements for the selling of yarn through its divisional superintendents or in some other way.

Lieut. Raja Durga Narayan Singh: After long consideration the district board of Farrukhabad has started an industrial school, which is very promising and has got a fairly large number of boys. The District Magistrate, Mr. Collett, visited the school lately and in his note of inspection he recorded that he was very much pleased with the work the boys of the school were doing and he very much appreciated the object of that institution. I think this school will prove of great help to the poor people of the district in enabling them to learn various arts taught in it. Tailoring, carpentry and weaving are taught there, and one can very well learn any of these arts at a little cost and without investing any large sum one can earn his living. The district board has made a representation to the Government for a grant to that school, but no reply has yet been received from the Government. I request the Government to show some encouragement to the school, so that other boards may also come forward and establish such schools for the benefit of their districts.

Kunwar Jagdish Prasad: I am in a somewhat embarrassing position, as there are several very important demands which the House may be anxious to discuss while there are only twenty minutes left.

My task has been made somewhat easier by my honourable friend the member for Hardoi, who has left his place after making many observations as to what we should do, and I can only say in his absence that his suggestions will be carefully examined. I need not say more about the remarks of the honourable member for Hardoi.

Coming now to the remarks of my honourable friend the member for Moradabad, I may say that I am also a resident of Moradabad and I entirely agree with him that Moradabad brass-work is famous throughout the world and that we are proud of that, as both of us were born in Moradabad, though we are not in any way connected with that industry. We take legitimate pride that Moradabad should be so famous for its brass-work. As regards the particular school that has been established there we gave a non-recurring grant of Rs. 15,000 for a building. I believe the Board of Industries also gave Rs. 2,000 to assist the school and we are giving it a recurring grant of over a thousand rupees a year, but

I understand from the Director that more money could be usefully given and we have asked the Director to examine the question and when his report is received we shall examine it sympathetically.

As regards the important points raised by my honourable friend the member for Bulandshahr, there are two questions which he has brought before the House. The first is the glass industry and the second is the negligence of the department in assisting the main cottage industry of the province, handloom weaving. As regards the glass industry I understand that his chief complaint is that the freight between Karachi and Allahabad is much higher than the freight between Karachi and Calcutta. I understand that when Mr. Sim was in Cawnpore this question was placed before him and he suggested that the matter should be placed before the Rates Tribunal which is to be established by the Government of India. As soon as the Rates Tribunal is established, of which I think Sir Narasingham Sarma will be the president, if we receive a proper representation supported by facts and figures we shall certainly be prepared to forward it to the Rates Tribunal.

Now I come to the main indictment of my honourable friend that we have done very little for the handloom weaving industry. He has based his conclusions on the Director's report. As he himself pointed out, the figures given in the report are up to the year 1921. If he would have taken the trouble to read through the report of the Burn Committee, he would have found that they have gone into this question very closely. There was also a debate about this question last year or the year before and Mr. Reid gave a detailed account as to what this department had done for the handloom weaving industry. We have at present about seven Government schools and twenty-four aided weaving schools. We are spending, I think, about a lakh per annum on maintaining and aiding these institutions. In the year 1923 there were over nineteen thousand shuttle looms which were working and these shuttle looms are the direct result of the establishment of Government weaving schools. We had also a committee in 1921 presided over by Khan Bahadur Shaikh Maqbul Husain which examined thoroughly the question of these weaving schools, and we issued a voluminous resolution accepting most of the recommendations of that committee. Therefore I think the statement that the department has done nothing is hardly correct. We have done a great deal for the handloom weaving industry and we regard it as one of the most important cottage industries of the province and it will be our constant aim to do all that lies in our power to give it all legitimate assistance.

Lala Babu Lal : What does the Government say to this that there are about two lakhs of persons thrown out of employment in the course of two decades ?

Kunwar Jagdish Prasad : I think some of them were absorbed in the mill industry. As to what happened before 1921 neither the reformed Government nor I are in any way responsible. What happened before 1921 I cannot say. I can only say this much that since 1921 we have been doing all that we possibly could to assist that industry.

Lient. Raja Durga Narayan Singh : No reply has been given to my remarks about the Farrukhabad industrial school.

Kunwar Jagdish Prasad : I can assure my honourable friend that his suggestions will be very carefully examined.

Lieut. Raja Durga Narayan Singh : Have the Government received a representation from the Farrukhabad district board ?

Hon'ble the President : That is a matter for interpellation.

Hon'ble the President : The mover of the motion is absent. I think that his absence means that the motion is to be withdrawn. I may point out that it is irregular for a mover to move a motion and then to be away from the House without leaving any notice to the Chair.

Does the House agree to the motion being withdrawn ?

The motion was, by leave of the Council, withdrawn.

Lala Babu Lal : I said "No."

Hon'ble the President : I am afraid you said "no" when I had given my ruling.

Motions Nos. 17 to 21—Not moved.

Hon'ble the President : The original demand before the House was for a sum of Rs. 11,55,639 since when the House has accepted a cut of Rs. 3,900. The motion before the House now is that a sum of Rs. 11,51,739 be voted under "Industries".

The net demand was voted.

Demand No. 26.

HEAD 7—STAMPS.

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head "Stamps" a sum of Rs. 4,10,195 be provided and to move that this sum be voted.

Motion No. 1—Not moved.

The demand was put and voted.

Demand No. 27.

45—SUPERANNUATION ALLOWANCES AND PENSIONS.

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head "Superannuation allowances and pensions" a sum of Rs. 54,02,100 be provided and to move that this sum be voted.

Motion No. 1.

Mr. E. A. H. Blunt : I beg to move that the demand of Rs. 2,55,000 concerning commuted value of pensions at page 115 of the Civil Detailed Estimates be reduced by Rs. 1,30,000.

The reason for this is that the Auditor-General has, since the budget was framed, ruled that commuted value of pensions must be taken under a capital head, consequently we have to cut it out under the revenue head. On April 1 we shall restore this figure under that head.

The motion was put and adopted.

Hon'ble the President : The original demand before the House was for a sum of Rs. 54,02,100 under "superannuation allowances and pensions," since when a reduction of Rs. 1,30,000 has been made. The question is

that a sum of Rs. 52,72,100 be granted for, " Superannuation allowances and pensions."

The net demand was voted.

Demand No. 28.

HEAD 47—MISCELLANEOUS.

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head " 47—Miscellaneous " a sum of Rs. 4,50,609 be provided and to move that this sum be voted.

Motions Nos. 1 and 2—Not moved.

Motion No. 3.

Mr. E. A. H. Blunt : I beg to move that the demand of Rs. 2,160 concerning grants to the Girls' Friendly Society at page 121 of the Civil Detailed Estimates be reduced by Rs. 960.

There is a particular hostel at Lucknow which is going to be closed with effect from April 1 and they have written to say that they no longer want that grant.

The motion was put and adopted.

Motions Nos. 4 to 8—Not moved.

Hon'ble the President : The original demand for Miscellaneous before the House was for a sum of Rs. 4,50,609 since when a reduction of Rs. 960 has been made. The question is that a sum of Rs. 4,49,649 be voted for Miscellaneous.

The net demand was voted.

The Council was then adjourned to the following day.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Friday, March 26, 1926.

THE Council met in the Council Chamber, Lucknow, at 11 a.m.,
Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT :

(71).

Hon'ble Sir Samuel O'Donnell.	Rao Sahib Kunwar Bardar Singh.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.	Pandit Brijnandan Prasad Misra.
Hon'ble Rai Rajeshwar Bali.	Lieut. Raja Durga Narayan Singh.
Hon'ble Thakur Rajendra Singh.	Raja Narayan Pratap Singh.
Hon'ble Nawab Muhammad Yusuf.	Raja Sri Krishna Dutt Dube.
Mr. G. B. Lambert.	Rai Sahib Babu Dip Narayan Roy.
Mr. E. A. H. Elunt.	Rai Bahadur Thakur Hanuman Singh.
Kunwar Jagdish Prasad.	Bhaya Hanumat Prasad Singh.
Mr. G. B. F. Muir.	Pandit Baijnath Misra.
Mr. B. D'O. Darley.	Raja Shaukar Sahai
Mr. H. A. Lane.	Rai Bahadur Thakur Mashal Singh.
Mr. K. G. Harper.	Kunwar Krishna Pratap Singh.
Mr. R. Burn.	Kunwar Surendra Pratap Sahi.
Mr. A. W. Pim.	Mr. Muhammad Aslam Saifi.
Mr. B. J. K. Hallowes.	Rao Sahib Abdul Hameed Khan.
Mr. C. M. King.	Lieut. Nawab Jamsheer Ali Khan.
Mr. H. G. Billson.	Khan Bahadur Chaudhri Amir Hasan Khan.
Mr. R. J. S. Dodd.	Mr. Muhammad Ismail Ali Khan.
Colonel A. W. R. Cochrane.	Maulvi Muhammad Obaid-ur-Rahman Khan.
Mr. A. H. Mackenzie.	Dr. Zia-ud-din Ahmad.
Mr. G. Clarke.	Khan Bahadur Hafiz Hidayat Hussain.
Raja Muhammad E'jaz Rasul Khan.	Khan Bahadur Shaikh Masud-uz-Zaman.
Raja Bahadur Brij Narayan Rai	Dr. Shafa'at Ahmad Khan.
Mr. H. C. Desanges.	Saiyid Muhammad Ashiq Husain.
Mr. H. David.	Khan Bahadur Maulvi Fasih-ud-din.
Babu Khem Chand.	Khan Bahadur Maulvi Muhammad Fasil-ur-Rahman Khan.
Babu Kishan Lal.	Khan Bahadur Hakim Mahbub Ali Khan.
Babu Jai Narayan Chaudhri.	Khan Bahadur Mr. Ashiq Husain Mirza.
Rai Sahib Lala Jagdish Prasad.	Raja Saiyid Ahmad Ali Khan Alvi.
Chaudhri Jaswant Singh.	Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Rai Sahib Chaudhri Sheoraj Singh.	Mr. St. George H. S. Jackson.
Pandit Nanak Chand.	Lala Behari Lal.
Lala Babu Lal.	Rai Bahadur Lala Mathura Prasad Mehrotra.
Rai Bahadur Babu Ram Nath Bhargava	Raja Shambhu Dayal.
Rai Sahib Amba Prasad.	Lieut. Raja Shaikh Imtiaz Rasul Khan.
Rai Bahadur Pandit Kharagjit Misra.	

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

CONSTITUTION OF THE SANDILA MUNICIPAL BOARD.

*1. **Mr. Muhammad Aslam Saifi** : Will the Hon'ble Minister for Local Self-Government be pleased to state—

- (1) If the constitution of the Sandila municipal board is—
five Muslim members elected ;
four non-Muslim members elected ?
- (2) Whether it is a fact that usually two members were nominated by the Government—
(1) a Muslim ;
(2) a non-Muslim ?
- (3) Whether it is a fact that the only one non-Muslim member was appointed after the election of December, 1925 ?
- (4) Whether it is a fact that the appointment was made by telegram just before the election of the chairman ?
- (5) Why was the other nomination held back ?
- (6) Whether this nomination was made by him or his predecessor ?
- (7) Whether it is a fact that the non-Muslim member nominated has been elected chairman of the municipal board of Sandila ?
- (8) Whether Government is aware that the election of the nominated member as chairman has been brought about by withholding the other nominations ?
- (9) Are the Hon'ble Ministers jointly responsible for appointing nominated members to the local boards ?

Hon'ble Nawab Muhammad Yūsuf : An answer will be given at a later date.

NOMINATIONS TO LOCAL BOARDS.

*2. **Mr. Muhammad Aslam Saifi** : (a) Will the Hon'ble Minister be pleased to explain the policy in appointing candidates defeated at elections as nominated members of local boards ?

(b) What interests are they supposed to represent in the board ?

(c) How many members defeated at the last general elections of the district boards have been nominated by the Hon'ble Minister to those very boards ?

(d) Will the Hon'ble Minister be pleased to lay on the table a list containing their names ?

(e) Have any nominated members been appointed to the district boards independently of the recommendations of the district authorities ?

(f) If so, please lay a list containing the names on the table ?

(g) Did the Hon'ble Minister know these gentlemen personally ?

(h) If not, will the Hon'ble Minister be pleased to state how and through whom did he become acquainted with these gentlemen?

Hon'ble Nawab Muhammad Yusuf: An answer will be given at a later date.

CONSTRUCTION OF MUNICIPAL AND DISTRICT BOARDS.

*3. **Khan Bahadur Hafiz Hidayat Husain:** Will the Government be pleased to lay two statements on the table compiled in the following form showing the construction of both the municipal and district boards of these provinces separately after the elections of 1923 and 1925, respectively?

[illegible]

Hon'ble Nawab Muhammad Yusuf : Inquiries are being made ; the information is not yet available.

CONSTRUCTION OF TOWN AND NOTIFIED AREAS.

***4. Khan Bahadur Hafiz Hidayat Husain :** Will the Government be pleased to lay a statement on the table compiled in the following form giving the particulars required concerning town and notified areas in these provinces ?

Name of notified or town area.	Population.						Numbers of town or notified area committee.					
	Hindu.	Muslim.	Indian Christian.	Depressed classes.	Others.	To al.	Hindu.	Muslim.	Indian Christian.	Depressed classes.	Others.	Total.
Bilhaar												
Jhinjak												
etc., etc												

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made ; the information is not yet available.

CHAIRMEN OF MUNICIPAL AND DISTRICT BOARDS.

***5. Khan Bahadur Hafiz Hidayat Husain :** How many chairmen of municipal and district boards have been elected from outside the boards, i.e., from among persons who were not members of the board either by election or nomination, both in municipal and district boards since the Municipalities Act, 1916, and the District Boards Act, 1921, came into force ? How many of these chairmen were Hindus and how many Muslims ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made ; the information is not yet available.

REPRESENTATION OF RURAL AREAS IN MUNICIPAL BODIES.

***6. Thakur Sadho Singh :** Have any persons from rural areas been nominated to municipal boards to protect rural interests affected therein ?

Hon'ble Nawab Muhammad Yusuf : No.

TRANSFER OF CIVIL JURISDICTION OF JALALABAD TAHSIL FROM TILHAR TO SHAHJAHANPUR.

***7. Thakur Sadho Singh :** (a) Is the Government aware that some 45 villages from Fatehgarh district have been included in Jalalabad tahsil of Shahjahanpur district from April, 1925.

(b) Is it a fact that many of these villages are very far off from munsif's court at Tilhar ?

(c) Is the Government aware that communications to Tilhar from Jalalabad side are very inconvenient ?

(d) Is it a fact that a large portion of Jalalabad tahsil is distant from and inaccessible to Tilhar, specially during the rains, while it is more accessible to Shahjahanpur?

(e) Is the Government aware that residents of Jalalabad tahsil memorialized the Government a few years ago to transfer civil jurisdiction of their tahsil from Tilhar to Shahjahanpur on account of too much inconvenience?

(f) Is there any objection to order the munsif of Tilhar to hold his court at Jalalabad for a few days every month to remove this long grievance and so much inconvenience?

Hon'ble Lieut Nawab Muhammad Ahmad Sa'id Khan : (a) Yes.

(b) Yes.

(c) and (d) Government understand that during the rains communications between some parts of the Jalalabad tahsil and Tilhar are difficult. The difficulty, however, lies in reaching Jalalabad town, from which there is a metalled road running close to Tilhar which can be traversed without inconvenience at all seasons of the year.

(e) Government have failed to trace any such memorial.

(f) Government have had the question examined and find there are insuperable practical difficulties in the way of such a course.

CIRCUMSTANCES AND PROPERTY TAX OF SHAHJAHANPUR DISTRICT BOARD.

*8 **Thakur Sadho Singh :** (a) Is the Government aware that Shahjahanpur district board passed a resolution approving of taxation on circumstances and property on November 30, 1925, when the board had practically finished its term of office by that time and the members were busy with elections?

(b) Is the Government aware that the resolution was carried only by a small majority? Will this taxation require a further lump increase in the pay of the secretary?

(c) What is the estimated amount of the proposed taxation and how is it intended to be spent?

(d) Have any other sources of taxation been attempted or proposed?

(e) Is the Government aware that the method of publicity of the proposed taxation was defective and the public was not well aware of this fact?

(f) What is the objection, if any, to return the taxation proposals for consideration of the new board which shall have to administer it?

Hon'ble Nawab Muhammad Yusuf : (a) The board decided to impose the tax on circumstances and property at its meeting held on April 30, 1925. On November 30, 1925, it only disposed of objections filed against the proposals. These are reported to have been of a trivial nature.

(b) The resolution to impose the tax was passed unanimously. The pay of the secretary has nothing to do with taxation.

(c) The yield of the tax is estimated at between 40 and 50 thousand rupees. The board proposes to spend it on the expansion of medical aid and education, the improvement of sanitation and communications, and the restoration of financial equilibrium.

(d) No.

(e) The suggestion is unfounded.

(f) The board needs money and Government do not think it necessary to return the main proposals for the consideration of the new board.

FINANCES OF SHAHJAHANPUR DISTRICT BOARD.

*9. (a) **Thakur Sadho Singh** : How much money has been taken up for increasing the salaries of the various servants of the Shahjahanpur district board in each of the last three years, and at what rate, or on what principle ?

(b) How much yearly saving has been effected to the board by transfer of pakka roads.

(c) Is it a fact that a yearly saving of Rs. 7,000 or so will be effected after over two years, when the last instalment of the first loan for Gurra bridge will be paid up and another saving of Rs. 7,000 a year made available after further two or three years in payment of the remaining instalments of the other similar loan ?

(d) Is it a fact that a committee was appointed in June last to effect economy in excessive expenditure of the board, but it never met for the purpose ?

(e) What were the reasons ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made ; the information is not yet available.

NOMINATIONS TO MUNICIPAL AND DISTRICT BOARDS.

*10. **Mr. Muhammad Aslam Saifi** : Will the Government be pleased to lay on the table a statement showing the total number of the members nominated by the Government for the municipal boards up to the end of January, 1926, for the present term in the following form ?

(a) Number of municipalities in which no nomination has been made hitherto.

(b) Number of municipalities in which only a part of the nominated seats have been filled up.

(c) Number of municipalities in which all the seats have been filled up.

(d) Details of total number of nominated members for the last term in respect of (b) and (c) respectively—

(1) total,

(2) Hindus,

(3) Muslims,

(4) Christians,

(5) depressed class.

(e) Details of total number of nominated members for the current term in respect of (b) and (c) respectively—

- (1) total,
- (2) Hindus,
- (3) Muslims,
- (4) Christians,
- (5) depressed class.

(f) Details of the recommendations sent up by Commissioners in respect of (b) and (c) for the current term in respect of nominations—

- (1) total,
- (2) Hindus,
- (3) Muslims,
- (4) Christians,
- (5) depressed class.

*11. What is the number of the Muslims who were recommended by the Commissioners for the nominations of municipal boards, but were substituted by Hindus by the Government?

*12. Will the Government be pleased to lay on the table a similar statement as contained in question No. 10 in respect of district boards?

*13. What is the number of Muslims recommended by the Commissioners for district board nominations who were substituted by Hindus?

*14. Will the Government be pleased to state what castes it includes in the category of depressed classes for the sake of—

- (a) nominations for the municipal and district boards;
- (b) its educational programme?

*15. Will the Government be pleased to state whether the claims of depressed classes of the Muslim and Christian communities have been considered by it in the past in respect of the two matters in the foregoing questions?

Hon'ble Nawab Muhammad Yusuf: An answer will be given at a later date.

BABU BENI PRASAD AND SECRETARYSHIP OF MUTTRA MUNICIPALITY.

*16. **Babu Jai Narayan Chaudhri:** Will the Government be pleased to state whether the post of the secretary in Muttra municipality fell vacant last year?

Hon'ble Nawab Muhammad Yusuf: Yes.

*17. **Babu Jai Narayan Chaudhri:** Is it a fact that the municipal board, Muttra, sanctioned the salary of that post at Rs. 200 per mensem?

Hon'ble Nawab Muhammad Yusuf: Yes.

*18. **Babu Jai Narayan Chaudhri:** Did Babu Beni Prasad, octroi superintendent in Bareilly municipality, apply for the post?

Hon'ble Nawab Muhammad Yusuf: Yes.

*19. **Babu Jai Narayan Chaudhri:** What was the salary of Babu Beni Prasad as octroi superintendent at Bareilly, and for how many years had he been serving as such in Bareilly municipality?

Hon'ble Nawab Muhammad Yusuf : The salary of Babu Beni Prasad was Rs. 190 in the scale of Rs. 150—10--200. He served in Bareilly municipality as octroi superintendent for more than six years.

***20. Babu Jai Narayan Chaudhri :** Is it a fact that the Muttra board appointed him on Rs. 200 per mensem on six months' probation and asked him to get himself relieved from the post he was holding at Bareilly ?

Hon'ble Nawab Muhammad Yusuf : The answer to the first part of the question is in the affirmative and to the second part in the negative.

***21. Babu Jai Narayan Chaudhri :** Did the Commissioner of Agra approve of the appointment of Babu Beni Prasad as secretary of the Muttra municipal board ?

Hon'ble Nawab Muhammad Yusuf : Yes.

***22. Babu Jai Narayan Chaudhri :** Is it a fact that the Commissioner of Agra sanctioned his appointment on Rs. 125 only instead of Rs. 200 per mensem during the period of probation ? If so, will the Government be pleased to state the reason for such reduction of salary to Babu Beni Prasad during his probationary period ?

Hon'ble Nawab Muhammad Yusuf : The Commissioner sanctioned the appointment on Rs. 125 because both he and the chairman thought that this pay was suitable for a man of the qualification and experience of Babu Beni Prasad.

***23. Babu Jai Narayan Chaudhri :** Was the case of Babu Beni Prasad submitted by the board to the Commissioner for reconsideration, and with what result ?

Hon'ble Nawab Muhammad Yusuf : Yes. The Commissioner adhered to his previous decision.

***24. Babu Jai Narayan Chaudhri :** Who was then appointed secretary, and on what salary ?

Hon'ble Nawab Muhammad Yusuf : Pandit Mahesh Prasad Tiwari was subsequently appointed secretary on a salary of Rs. 200.

***25. Babu Jai Narayan Chaudhri :** Will the Government be pleased to lay on the table the correspondence between the chairman, municipal board, Muttra, and the Commissioner of Agra, about Babu Beni Prasad ?

Hon'ble Nawab Muhammad Yusuf : An answer will be given later.

STAFF OF BETWA CANAL DIVISION.

***26. Khan Bahadur Hafiz Hidayat Husain :** How many sub-divisional officers, overseers, sub-overseers, time-keepers and contractors are there in the Betwa Canal division ? How many of these are Punjabis ?

Hon'ble Sir Samuel O'Donnell : A statement is laid on the table.

(See Appendix A, page 196.)

IMPROVEMENT TRUST, LUCKNOW.

***27. Mr. Muhammad Aslam Saifi :** Is it a fact that a house in Lucknow belonging to one Mr. Labanti was sought to be put up for auction by the decree-holder ?

Is it a fact that the Improvement Trust opposed the sale of the house on the ground that it had taken possession of the property owing to the nazul rent being in arrears ?

*28. Is it a fact that the subordinate judge of Lucknow in his judgement, dated September 7, 1925, held that the nazul officer was in collusion with the judgement-debtor in obtaining the order of forfeiture from the chairman of the Improvement Trust ?

*29. Is it a fact that the subordinate judge remarked as follows :—

“ I admit that the rent was in arrears. It was, however, in arrears as it was purposely not paid.

It was not paid, nor was it allowed to be paid by decree-holder in order to bring about forfeiture and to save property from sale. As the order of forfeiture was obtained by collusion, in my opinion it ought not to be allowed to stand. Fraud and collusion vitiate most solemn acts ? ”

*30. (a) It is a fact that the subordinate judge disproved the statement of the nazul officer to the effect that he first got his information from an advertisement in the *Indian Daily Telegraph* ?

(b) If so, what action has been taken as regards this matter ?

*31. What was the amount of arrears of the nazul land ?

*32. What was the value of the building ?

*33. What was the object of the re-entry on the property of the judgement-debtor ?

Hon'ble Rai Rajeshwar Bali : Inquiry is being made ; the information is not yet available.

*34. **Mr. Muhammad Aslam Saifi :** (a) When was Sarwarjung's house at Lucknow acquired by the Improvement Trust ?

(b) For what amount ?

*35. What use has the house been put to after being converted into a plot ?

Hon'ble Rai Rajeshwar Bali : Inquiry is being made ; the information is not yet available.

DISMISSAL OF DISTRICT BOARD ENGINEER AND SUB-OVERSEER, BENARES.

*36. **Mr. Muhammad Aslam Saifi :** Will the Government be pleased to state if it is aware that the district board engineer of Benares district board and also the sub-overseer have been dismissed by an ordinary resolution of the board ?

*37. Will the Government be pleased to state the circumstances under which this resolution was permitted to be moved ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made, the information is not yet available.

REDUCTION IN THE NUMBER OF DISTRICT BOARD MEMBERS.

*38. **Rai Bahadur Babu Ram Nath Bhargava :** With reference to the proposed reduction of the number of members of district boards, will the Government be pleased to state whether the number is going to be reduced in all the boards or in some of them only ?

*39. Will the Government be pleased to state the reasons on which it has been decided to reduce the number ?

*40. Did the Government consult the boards concerned before coming to such decision ?

*41. Is the Government aware that the notification relating to the proposed alteration of constituencies and the allotments of seats therein was published in the *United Provinces Gazette* of August 8, which could not have been received in the districts concerned before August 10, while the latest date fixed for the receipt of objections by the Government was August 13 ?

*42. Is the Government aware that the district authorities are arranging for the publication of voters' lists, as if they were final, although the time for objections had not expired nor had the result of such objections been known ?

Hon'ble Nawab Muhammad Yusuf: An answer will be given at a later date.

DISMISSAL OF DISTRICT BOARD ENGINEER AND SUB-OVERSEER, BENARES.

*43. **Mr. Muhammad Aslam Saifi:** Will the Hon'ble Minister in charge of Local Self-Government Department be pleased to state if he is aware of the fact that the district board engineer, Benares district board, and his sub-overseer have been recently dismissed by an ordinary resolution of the board ?

*44. Is he aware of the fact that the above resolution of the board was not placed on the agenda of the meeting and that it was moved without any notice ?

*45. Is he aware of the fact that the chairman, district board, Benares, allowed the resolution to be moved ?

*46. Is the Government aware of the fact that in the case of the engineer and his sub-overseer no inquiry was made, that there were no allegations against them, and that there was no chance given to the engineer or his sub-overseer for explanation of their conduct ?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made ; the information is not yet available.

PANCHAYATS.

*47. **Pandit Govind Ballabh Pant:** Have any panchayats performed any function other than the disposal of petty cases ? If so, which and what ? Of the total number of panchayats in this province, how many tried more than 100 cases during the last year and how many none at all ? What was the average for a single panchayat ?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made ; the information is not yet available.

EXEMPTION FROM DISQUALIFICATIONS FOR ELECTION TO LOCAL BODIES.

*48. **Pandit Govind Ballabh Pant:** Did the Government receive any applications from any persons for exemption from disqualifications debarring them from seeking election to local bodies ? If so,

how many, and with what result? In case of rejection, will the Government be pleased to specify the reasons in each case?

Hon'ble Nawab Muhammad Yusuf: (1) Ten applications were received for removal of disqualification under the District Boards Act. The disqualification was removed in five cases; in five cases the Government after examining the circumstances of each case decided that it was undesirable that the applicant should take part in the elections of district boards.

(2) Nine applications were received for removal of disqualifications under the Municipalities Act. The Government have no power to remove disqualifications under this Act.

ACCOUNTS OF DISTRICT BOARD, BENARES.

*49. **Pandit Yajna Nara/yan Upadhya:** Will the Government be pleased to state when the account of the district board, Benares, was last audited? What is the financial condition of that board?

Hon'ble Nawab Muhammad Yusuf: The account of the district board, Benares, was last audited on September 11, 1925. The financial position of the board in November, 1925, was as follows:—

	Rs. a. p.			
Opening balance	47,405	1	8	
Receipts up to November, 1925	2,37,744	2	10	
Expenditure up to November, 1925	2,68,769	13	0	
Closing balance	16,399	7	1	

In addition to the above closing balance sums of Rs. 425 and Rs. 55,000 were held as permanent advances and invested funds respectively.

NOMINATIONS TO MUNICIPAL AND DISTRICT BOARDS.

*50. **Rai Bahadur Lala Mathura Prasad Mehrotra:** Will the Government consider the desirability of taking back to itself the powers of nominating members to the municipal boards as is done in the case of district boards?

Hon'ble Nawab Muhammad Yusuf: An answer will be given at a later date.

*51. **Khan Bahadur Mr. Ashiq Husain Mirza:** Will the Government be pleased to state—

- (a) names of,
- (b) castes of,
- (c) ages of,
- (d) income-tax or *lagan* or other taxes paid by, and
- (e) whether literate or illiterate in regard to

the recently government nominated members on the municipal and district boards in the United Provinces?

Hon'ble Nawab Muhammad Yusuf: A list of the nominated members is laid on the honourable member's table. All are literate except certain members of the depressed classes. The Government thinks that no useful purpose would be served by supplying the rest of the information asked for.

(See Appendix B, page 196.)

***52. Khan Bahadur Mr. Ashiq Husain Mirza :** On what consideration or basis are these nominations made?

Hon'ble Nawab Muhammad Yusuf : The honourable member is referred to the answer given to starred question No. 122 for March 12, 1926.

***53. Khan Bahadur Mr. Ashiq Husain Mirza :** How many of these nominated members were recommended by the District Magistrates and how many appointed direct by Government without consulting district magistrates and Commissioners?

Hon'ble Nawab Muhammad Yusuf :

	<i>Recommended by commissioners.</i>	<i>Appointed without their consultation.</i>
District boards	... 49	23
Municipal boards	... 40	11

***54. Khan Bahadur Mr. Ashiq Husain Mirza :** Is it a fact that one of the nominated members on the district board, Budaun, was convicted some time ago? If so, for what offence, and what punishment had he received before his nomination?

Hon'ble Nawab Muhammad Yusuf : Yes, he was convicted of an offence under the Excise Act. The sentence has not been reported.

***55. Khan Bahadur Mr. Ashiq Husain Mirza :** Was the District Magistrate, Budaun, consulted on this member's nomination? Or had he sent other names?

Hon'ble Nawab Muhammad Yusuf : The District Magistrate was not consulted. He sent other names.

***56. Khan Bahadur Mr. Ashiq Husain Mirza :** Will the Government be pleased to state how many nominations were made by District Magistrates, and in how many cases were they overruled by Government and nominations made direct? Will the Government be pleased to give the names of each person, and from which district?

Hon'ble Nawab Muhammad Yusuf : District Magistrates have never had power to make nominations. The remainder of the question does not arise.

***57. Khan Bahadur Mr. Ashiq Husain Mirza :** Will the Government be pleased to give dates when nominations were made by Government in each district and municipality and when the election of chairman was to be made in each district and municipality?

Hon'ble Nawab Muhammad Yusuf : The election of the chairman of a municipality had to be made within ten days from December 14, and of a district board within one month from the same date. A list of the dates on which nominations were made by Government is placed on the honourable member's table.

(See Appendix C, page 199.)

***58. Khan Bahadur Hafiz Hidayat Husain :** Have Government withdrawn the powers of nomination to municipal and district boards formerly vested in the Commissioners of the divisions? If so, why was it necessary to do so? Were Commissioners and Collectors consulted

in the matter? What was their opinion? Will the Government be pleased to state in brief their replies?

Hon'ble Nawab Muhammad Yusuf: The power of nomination to district boards was not vested in Commissioners. The power of nomination to municipal boards was resumed by the Government as being an important function which under the reformed constitution should be exercised directly by the Government. Commissioners and collectors were not consulted in the matter. The last two parts of the question do not arise.

***59. Khan Bahadur Hafiz Hidayat Husain:** How many nominations have altogether been made to the boards after the elections of 1925? How many were made in 1923?

What is the number of Muslims nominated in 1923 and 1925, respectively?

Hon'ble Nawab Muhammad Yusuf:

	<i>Nominations made in 1923.</i>	<i>Nominations made after election of 1925 up to date.</i>
District boards ...	95	75
Municipal boards	164	54
	<i>Number of Muslims nominated in 1923.</i>	<i>Number of Muslims nominated after election of 1923 up to date.</i>
District boards ...	22	... 15
Municipal boards...	38	... 12

***60. Khan Bahadur Hafiz Hidayat Husain:** Have any nominations made by Commissioners or collectors been rejected? What are the names of the rejected nominees? What are the grounds of their rejection?

Hon'ble Nawab Muhammad Yusuf: Nominations made by Commissioners before the receipt of Government's order stand good. The remainder of the question does not arise.

***61. Khan Bahadur Hafiz Hidayat Husain:** How many persons who offered themselves for election to the municipal and district boards during the last elections and were defeated at the polls have been nominated by the Government?

What are their names? Were they recommended for nomination by the Commissioners of the divisions? If not, how were they brought to the notice of the Government?

What are their special qualifications for nomination?

Hon'ble Nawab Muhammad Yusuf: An answer will be given at a later date.

***62. Khan Bahadur Hafiz Hidayat Husain:** (i) Are government nominees to the municipal and district boards supposed to represent the government point of view in the boards?

(ii) What separate interests are they intended to serve ?

(iii) What particular qualification determines their nomination ?

Hon'ble Nawab Muhammad Yusuf: (i) No.

(ii) Those nominated to represent the depressed classes are intended to serve the interests of those classes. The others usually are not nominated to represent particular interests.

(iii) No general statement can be made. The aim is to nominate persons who will be useful members of the board.

ELECTION OF CHAIRMEN OF MUNICIPAL AND DISTRICT BOARDS MORADABAD AND THE DISTRICT MAGISTRATE.

*63. **Babu Bhagwati Sahai Bedar:** Is it a fact that on December 18, 1925, the District Magistrate, Moradabad, sent for some of the elected members of the municipal board at his bungalow and asked them to vote for a certain member who stood as a candidate for the chairmanship of the municipal board of Moradabad ?

*64. Is it a fact that the District Magistrate of Moradabad called a number of *raises* or influential persons and pressed them to exert their influence on the members of their ward to vote for a certain member who was a candidate for the chairmanship of the municipal board, Moradabad ?

*65. Is it a fact that on December 21, the District Magistrate of Moradabad called some of the members of the district board at his bungalow and indirectly compelled them to vote for a certain member of the district board whom he wanted to be elected as the chairman of district board, Moradabad ?

*66. If the answers to previous questions be in the affirmative, will the Government be pleased to state whether they approve of the conduct of the District Magistrate in the matter of election of the local boards ?

Hon'ble Nawab Muhammad Yusuf: An answer will be given at a later date.

MUSLIM WAQFS AND THEIR ACCOUNTS.

*67. **Dr. Shafa'at Ahmad Khan:** With reference to the replies to my starred questions Nos. 113 to 116, dated December 22, 1925, will the Government be pleased to inquire why no accounts have been filed by mutawallis under section 3 of the Musalman Waqf Act, 1923, in the following districts ?

(1) Lucknow, (2) Bijnor, (3) Moradabad, (4) Sultanpur, and (5) Kheri.

*68. Will the Government be pleased to make inquiry into the circumstances which led to the Musalman Waqf Act being ignored in these districts ?

*69. Is the Government aware that in all these districts there exists a large amount of waqf property ?

*70. Will the Government be pleased to supply to the members of the Council detailed information regarding the accounts filed under section 3 of the Musalman Waqf Act in the following districts:—

- (1) Garhwal, (2) Almora, (3) Naini Tal, (4) Dehra Dun, (5) Muttra, (6) Etawah, (7) Mainpuri, (8) Cawnpore, (9) Jalaun, (10) Jhansi, (11) Hamirpur, (12) Banda, (13) Farrukhabad, (14) Benares, (15) Mirzapur, (16) Bara Banki, (17) Hardoi, (18) Unao, (19) Lakhimpur, (20) Partabgarh, (21) Fyzabad, (22) Kheri, (23) Sultanpur, (24) Moradabad, (25) Bijnor, and (26) Lucknow?

*71. Will the Government be pleased to supply the information asked for in the previous question in the tabulated form as below:—

- (1) name of mutawalli,
- (2) area,
- (3) annual income,
- (4) value of the property,
- (5) date of the foundation of the waqf,
- (6) the name of the founder,
- (7) object of the waqf, and
- (8) the remuneration of the mutawalli?

*72. Is it a fact that a number of mutawallis has not yet filed an account in the district court? If so, is it the intention of Government to impress upon the district courts the absolute necessity of compiling as accurate and complete a list of waqfs in their districts as possible?

*73. With reference to the answer of the Government to my starred questions Nos. 113 to 116, dated December 22, 1925, will the Government be pleased to give a correct, detailed, and clear statement of waqfs in the following districts:—

- (1) Azamgarh, (2) Ghazipur, (3) Gorakhpur, (4) Ballia, (5) Gonda, (6) Bahraich, (7) Rae Bareilly, (8) Saharanpur, (9) Jaunpur, (10) Bulandshahr, (11) Sitapur, (12) Allahabad, (13) Bareilly, (14) Agra, (15) Shahjahanpur, (16) Budaun (the amount of income and value of property should be mentioned in the list for Budaun), (17) Fatehpur, (18) Etah, (19) Aligarh?

The information regarding the waqf property in above districts should be given in the tabulated form below:—

- (1) name of the mutawalli;
- (2) annual income;
- (3) value of property;
- (4) area;
- (5) date of the foundation of the waqf;
- (6) the name of the founder;
- (7) object of the waqf;
- (8) the remuneration of the mutawalli.

Hon'ble Rai Rajeshwar Bali: An answer will be given at a later date.

NOMINATION TO MUNICIPAL AND DISTRICT BOARDS.

*74. **Dr. Shafa'at Ahmad Khan** : Will the Government be pleased to publish a list of persons nominated to each district board and municipal board of this province in 1923 and 1925 ?

Hon'ble Nawab Muhammad Yusuf : An answer will be given at a later date.

ELECTION OF CHAIRMAN, DISTRICT BOARD, JHANSI, AND THE DISTRICT MAGISTRATE.

*75. **Pandit Jhanni Lal Pande** : Will the Government be pleased to name the districts where the district magistrates addressed or attended the first meetings of the new district boards held to select the chairman ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made; the information is not yet available.

*76. **Pandit Jhanni Lal Pande** : Is it a fact that the District Magistrate of Jhansi wanted to attend and address the meeting of the district board held to elect the chairman ? Were instructions issued to him not to do so ? If so, why ?

Hon'ble Nawab Muhammad Yusuf : The district magistrate intended to attend the meeting. Government have no information whether he proposed to address the meeting. He was desired not to attend the meeting because it was preferred that he should not attend it.

DEPRESSED CLASS NOMINATIONS TO DISTRICT BOARDS.

*77. **Pandit Jhanni Lal Pande** : Will the Government be pleased to state how many persons nominated to the different district boards of the province are really members of the so-called depressed classes ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made; the information is not yet available.

*78. **Pandit Jhanni Lal Pande** : Is it a fact that out of the two nominated members of the district board of Saharanpur not one is a member of depressed classes.

Hon'ble Nawab Muhammad Yusuf : Yes.

REMOVAL OF DISQUALIFICATION FOR MEMBERSHIP OF LOCAL BODIES.

*79. **Babu Mohan Lal Saksena** : Will the Government be pleased to state the total number of applications that were received by the Hon'ble Minister for Local Self-Government for the removal of disqualification for membership of municipal and district boards ?

Hon'ble Nawab Muhammad Yusuf : Nineteen applications were received.

*80. **Babu Mohan Lal Saksena** : Will the Government be pleased to lay on the table a statement giving the names and addresses of all such applicants and the action taken by the Hon'ble Minister ?

Hon'ble Nawab Muhammad Yusuf : A statement is laid on the honourable member's table

(See Appendix D, page 200.)

REPRESENTATION OF SHIAS IN LOCAL BODIES.

*81. **Saiyid Muhammad Ashiq Husain**: Will the Government be pleased to state the total number of elected Muhammadan members in the municipal and district boards, respectively, of the United Provinces as well as the number of Shia Muhammadans comprised in the above totals?

*82. Will the Government be pleased to state the number of Shias residing in the United Provinces and the proportion they bear to the total Muhammadan population of the whole province?

*83. Will the Government be pleased to consider the advisability of reserving its nominations to membership of municipal and district boards, wherever Muhammadans can be nominated or appointed, for members of the Shia community proportionately to their census strength and as representing the most important and distinct minority among the Muhammadans?

*84. Is it a fact that Muhammadans comprise about one-fourth of the elected members in the local boards of the provinces? If so, will the Government consider the desirability of making its nominations from that sect of the Muhammadans who by reason of its numerical inferiority and essential differences of creed does not succeed as a rule in winning seats at municipal or district board elections as against members of the other—numerically stronger—sect?

*85. Is the Government prepared to remove the inequalities under which the Shia community happens to labour at present by nominating its members to suitable seats on the local boards?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made; the information is not yet available.

NOMINATIONS TO DISTRICT BOARDS.

*86. **Mr. Muhammad Aslam Saifi**: (a) Will the Hon'ble Minister be pleased to give the names of nominated members to the district boards for the term of the board ending on December 14, 1925?

(b) Will the Hon'ble Minister-in-charge of the department be pleased to give a list of the nominated members to the district boards nominated by Government since December 15, 1925?

(c) In how many district boards the nominations have not yet been made?

(d) What was the cause of delay?

(e) Has the Government issued any standing instructions to district authorities to submit their recommendation by a certain date?

(f) Is it the intention of the Government that nominated member should not take part in the election of the chairman?

Hon'ble Nawab Muhammad Yusuf: (a) and (b) A statement is laid on the honourable member's table.

(c) Ten

(d) In most cases further inquiry is being made.

(e) No.

(f) No.

(See Appendix E, page 202.)

ELECTORAL ROLLS.

*87. **Mr. Muhammad Aslam Saifi:** (a) Will the Government be pleased to state what was the total electoral roll for—

(i) non-Muslims,

(ii) Muslims,

in the seven city boards for the 1923 elections?

(b) What was it for the 1925 elections?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made: the information is not yet available.

ELECTION OF CHAIRMAN, MUNICIPAL BOARD, ALLAHABAD.

*88. **Mr H C. Desanges:** Will the Government be pleased to state whether any municipal board in the United Provinces has failed to elect a chairman in compliance with the provisions of section 43 of the United Provinces Municipalities Act or has elected a person not eligible for election and appointment?

If so, will the Government mention their names and be pleased to state what action has been taken or is proposed to be taken in the matter?

*89. Have the Government taken legal opinion as to the eligibility (or otherwise) of the civil government pleader of Allahabad for elections as chairman of the Allahabad municipal board within the meaning of section 43 of the Municipalities Act?

If so, will the Government be pleased to lay the same on the table?

Has the attention of Government been invited to the definition of "salary" as given in—

(1) Imperial Act, II of 1886, section 3(4),

(2) Wharton's Law Lexicon,

(3) Webster's Dictionary,

(4) 1 Queen's Bench Division, page 529, by Lord Justice Bowen
in re Shim,

and of "salaried servant of Government" as given in—

(5) Bombay Municipal Act, III of 1921.

(6) Bombay Local Boards Act, I of 1884, section 3(3),

and of "salaried officer" or "salaries" in—

(7) Bengal Local Self-Government Act, II of 1885, section 5,

(8) Madras Local Board's Act, V of 1884.

(9) Madras Municipal District Act, IV of 1884, and

(10) Madras Municipal (City) Act, III of 1904, in this connexion?

*90. Have the Government taken action under section 44 of the United Provinces Municipalities Act in any case in which no chairman has been elected or an ineligible person has been elected by any municipal board in contravention of the provisions of section 43 of the said Act?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made: the information is not yet available.

ELECTION OF CHAIRMAN, DISTRICT BOARD, JHANSI.

*91. **Pandit Sri Krishna Dutt Paliwal**: Is it a fact that the delegates of the conference stayed in the MacDonnell High school and were required to see Mr. Williamson before they attended the conference?

*92. Is it a fact that the organization of the district for purposes of district board and Council elections was the main and real purpose of the conference?

*93. Is it a fact that Pandit Nanhu Prasad, honorary magistrate, got a letter from the district magistrate about 15 minutes before the meeting?

Hon'ble Nawab Muhammad Yusuf: An answer will be given at a later date.

LICENCES FOR BURMA MEAT TRADE.

*94. **Pandit Bhagwat Narayan Bhargava**: Will the Government be pleased to state the names of the municipal and district boards which have issued licences for drying of beef for Burma beef factory?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made: the information is not yet available.

DISTRICT BOARD TRAVELLING DISPENSARIES IN ALLAHABAD DIVISION.

*95. **Khan Bahadur Hafiz Hidayat Husain**: How many district boards and which, in the Allahabad division, abolished travelling dispensaries during the two years ending March 31, 1925? Did any of these boards start them afresh? What has been the result of the abolition of these dispensaries on the general health of the people?

Hon'ble Rai Rajeshwar Bali: Inquiry is being made: the information is not yet available.

NEW TAXATION UNDER DISTRICT BOARDS ACT.

*96. **Pandit Nanak Chand**: Will the Government be pleased to lay a statement on the table showing what steps, if any, have the various district boards taken in order to introduce new taxation under the District Boards Act and what is the estimated income from the various proposals and when are the various proposals going to be given effect to?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made: the information is not yet available.

Sati FAIR AT HAMIRPUR.

*97. **Bhaya Hanumat Prasad Singh**: Has it been brought to the notice of the Government that a *sati* fair is held on every Sunday in village Tola, district Hamirpur?

Hon'ble Sir Samuel O'Donnell: Yes.

*98. **Bhaya Hanumat Prasad Singh**: Will the Government be pleased to give the following information in connexion with the said fair:—

(a) When was this *mela* started?

(b) Who started this *mela*?

- (c) When did the district authorities take over the charge of this *mela*?
- (d) Why did the district authorities take the management of the *mela* into their hands?
- (e) Who are the proprietors of the land on which this *mela* is held?
- (f) Did the zamindars of the village charge anything for the use of their land from the people joining the *mela* before the management of the *mela* was taken over by the Government?
- (g) Have the district authorities imposed any tax on carts, horses, bullocks, camels, elephants, and shopkeepers? If so, at what rate?
- (h) How much money have the district authorities realized from the village people who used to take offerings (*pujapa*) of the *sati*?
- (i) How much money is realized from offerings to the *sati* every week?
- (j) Have the district authorities refused to form a committee of non-officials and officials to carry on the management of the fair? If so, why?
- (k) Under what law have the district authorities imposed the taxes?
- (l) Under what law have the district authorities taken possession of the offerings in deposit with the people?
- (m) Is the *mela* decreasing since its management has been taken over by the district authorities?

Hon'ble Sir Samuel O'Donnell : (a) December 25, 1924.

(b) There was no definite organizer. The public spontaneously assembled to offer prayers at the tomb of a widow who had committed *sati*.

(c) January 2, 1926.

(d) Because of the entire absence of arrangements for the comfort and health of the pilgrims. The leading zamindars and villagers welcomed Government intervention, as the *mela* was causing them serious damage.

(e) A list is laid on the honourable member's table.

(See Appendix F, page 206.)

(f) No.

(g) Yes. A list is laid on the honourable member's table.

(See Appendix G page 207.)

(h) Rs. 2,232-11 in Government coin.

„ 772 in *rakmi* coin.

„ 911 *gandas*, Baba Shahi pieces.

This sum was transferred by the priest in charge as the fair fund.

(i) The weekly average for the eight weeks ending February 15, 1926, was—

Rupees 182 Government coin.

„ 11 *rakmi* coin.

„ 48 *gandas*, Baba Shahi pieces.

(j) Yes. Non-officials had had the entire management for a year and the results were unsatisfactory.

(k) Tolls and fees were imposed in the public interest to cover the cost of providing water, fodder, and other amenities, and to guard against disease.

(l) The offerings were in deposit with the priest as a fair fund and were handed over by him when the management was transferred.

(m) The *mela* has been decreasing since September 27, 1925.

*99. **Bhaya Hanumat Prasad Singh**: Is the Government willing to entrust the management of the *mela* to a committee consisting of three-fourths non-official and one-fourth official members?

Hon'ble Sir Samuel O'Donnell: The Government will consider the suggestion. A report on this *mela* by the district magistrate is laid on the table for information.

(See Appendix H, page 207.)

ELECTION OF CHAIRMAN, DISTRICT BOARD, HAMIRPUR, AND THE DISTRICT MAGISTRATE.

*100. **Thakur Har Prasad Singh**: Has it been brought to the notice of the Government that the District Magistrate of Hamirpur attended the meeting of the district board held on January 4, 1926, in which the election of the chairman took place and remained there till the election of the chairman was almost over? If it is a fact, will the Government be pleased to state as to whether his action was in accordance with the policy of the Government?

Hon'ble Nawab Muhammad Yusuf: (a) Yes.

(b) The Government prefer that district officers should be absent while an election is being held.

ELECTION OF CHAIRMAN, DISTRICT BOARD, BANDA, AND THE SUB-DIVISIONAL OFFICER.

*101. **Thakur Har Prasad Singh**: Has it been brought to the notice of the Government that Babu Janki Nath Sahai, sub-divisional officer, Banda, came to the office of the district board, Banda, while the board was electing its chairman, with a circle inspector and turned out all the spectators from the hall of the office and ordered all the doors of the office to be closed? If so, will the Government be pleased to give the following information:—

(a) Who asked the said sub-divisional officer to go to the meeting and on what grounds?

(b) If he went there at the request of any private individual, will the Government give the name of such individual?

(c) Did the said sub-divisional officer fully satisfy himself as to the credibility of the information before proceeding to the office?

(d) Did he make any inquiry on the spot before ordering the public to leave the office compound? If so, what?

(e) Was the election of the chairman over when the sub-divisional officer reached the office?

(f) Did the sub-divisional officer observe on his arrival in the meeting the commission of any offence? If so, did he start any prosecution?

Hon'ble Nawab Muhammad Yusuf: (a) No one.

(b) Does not arise.

(c) Yes.

(d) No.

(e) No.

(f) No. The last part of the question does not arise.

NOMINATIONS TO MUNICIPAL AND DISTRICT BOARDS.

*102. **Dr. Shafa'at Ahmd Khan:** Will the Government be pleased to lay a statement on the table, showing the names of persons recommended for nomination by the district officers and those actually nominated by the Government, in each municipal and district board after the late elections to these boards?

Hon'ble Nawab Muhammad Yusuf: (1) A statement of the members nominated by Government is laid on the honourable member's table. The Government are not prepared to disclose the names of the persons recommended by district officers.

(See Appendix B, p. 196.)

*103. **Dr. Shafa'at Ahmad Khan:** Are there any ex-convicts in any local board who have been nominated by the Government lately? How many?

Hon'ble Nawab Muhammad Yusuf: One member was nominated who had been convicted under the Excise Act.

MUSLIM *wagfs* IN AGRA.

*104. **Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to give the annual income of various *wagfs* in the district of Agra and its total value?

Hon'ble Rai Rajeshwar Bali: An answer will be given at a later date.

UNSTARRED QUESTIONS.

CANAL DUES.

1. (a) **Maulvi Muhammad Obaid-ur Rahman Khan:** (a) Will the Government be pleased to state whether or not it is a fact that the Board's circular allows 90 days for the payment of canal dues into the government treasury from the date of receipt of *jamabandi* by the zamindars?

(b) If the reply of the above be in the affirmative, will the Government be pleased to state whether they are aware of the fact that in Aligarh district the tahsildar of some of the tahsils, specially that of tahsil Sikandra Rao, orders attachment and takes other proceedings without waiting for the expiry of the 90 days allowed by the board?

(c) If the reply of the above be in the affirmative, will the Government be pleased to state if they consider any orders necessary and, if so, what?

Mr. H. A. Lane : (a) Ninety days is the limit within which the dues must be paid in full if the lambardar is to earn his commission. The dues become payable from the date on which the lambardar receives the *jamabandi*. Processes can therefore legally issue from that date.

(b) Government believe that the tahsildars are using their powers of issuing processes with discretion, but are prepared to inquire into any specific instances of abuse, which are brought to their notice.

(c) Does not arise.

SESSIONS AND SUBORDINATE JUDGE, FATEHPUR.

2. **Khan Bahadur Hafiz Hidayat Husain :** (1) Will the Government be pleased to place a statement on the table showing—

- (i) number of original civil suits,
- (ii) number of execution cases, and
- (iii) number of civil appeals pending in the court of the sessions and subordinate judge at Fatehpur sitting in Cawnpore on December 31, 1924 and December 31, 1925?

(2) What is the longest age of the preceding cases under all the above three heads on December 31, 1925?

Mr. K. G. Harper : (1) Pending on December, 31—

	1924.	1925.
(i) Original suits	38	82
(ii) Execution cases	9	15
(iii) Civil appeals	64	40

(2) Oldest of the preceding cases pending on December 31, 1925—

	<i>Date of institution.</i>
(i) Original suits	March 21, 1923.
(ii) Execution cases	January 28, 1925.
(iii) Civil appeals	November 17, 1924.

3. **Khan Bahadur Hafiz Hidayat Husain :** (i) How many sessions cases were decided by the judge at Fatehpur during the years 1924 and 1925 (January 1 to December 31)?

(ii) What is the average duration of these sessions cases in both the years?

Mr. K. G. Harper : (1) Number of sessions cases decided at Fatehpur—

In 1924	45
In 1925	57

(2) Average duration—

In 1924	51
In 1925	42

4. **Khan Bahadur Hafiz Hidayat Husain :** (i) How many days throughout the years 1924 and 1925 did the judge work both at Cawnpore and Fatehpur ?

(ii) For how many days was he occupied in purely sessions work in Fatehpur in both the years 1924 and 1925 (days for each year to be separately stated) ?

Mr. K. G. Harper :—(i) Number of days the sessions and subordinate judge worked—

			1924.	1925.
At Cawnpore	...	...	35	36
At Fatehpur*	...	...	244	330

(ii) Number of days occupied in purely sessions work at Fatehpur*—

In 1924	...	...	...	215
In 1925	...	...	...	243

5. **Khan Bahadur Hafiz Hidayat Husain :** (i) What is the number of days that the judge was able to give to civil work alone, both original and appellate, in 1924 and 1925 ?

(ii) How many (a) original civil suits, (b) execution cases, and (c) civil appeals were decided by the judge during the years 1924 and 1925 ?

Mr. K. G. Harper : (i) Number of days devoted to civil work alone, both original and appellate*—

In 1924	...	...	...	151
In 1925	...	...	...	122

(ii) Number of cases decided in—

			1924.	1925.
(a) Original civil suits	...	...	55	43
(b) Execution cases	...	...	27	16
(c) Civil appeals...	...	...	107	102

6. **Khan Bahadur Hafiz Hidayat Husain :** Will the Government be pleased to place a statement on the table showing the number of—

- (i) original civil suits,
- (ii) execution cases,
- (iii) civil appeals,
- (iv) sessions cases,
- (v) criminal appeals,

filed in or transferred for disposal to the court of the sessions and subordinate judge, Fatehpur, during the years 1924 and 1925.

Mr. K. G. Harper : Number of cases filed in or transferred for disposal to the court of the Sessions and Subordinate Judge in—

			1924.	1925.
(i) Original civil suits	...	...	51	86
(ii) Execution cases	...	...	34	26
(iii) Civil appeals	...	...	100	95
(iv) Sessions cases	...	...	38	59
(v) Criminal appeals	...	...	138	127

* The figures given are the actual number of days spent at Fatehpur and Cawnpore. They include holidays and Sundays and materials are not readily available for ascertaining the exact number of days on which the court sat.

RAMNAGAR MUNICIPALITY, NAINI TAL.

7. **Dr. Shafa'at Ahmad Khan** : Will the Government be pleased to state the names of members nominated to the municipal board, Ramnagar, district Naini Tal ?

Mr. G. B. F. Muir : Ramnagar is a notified area and not a municipality. Nominated members have not yet been appointed.

8. **Dr. Shafa'at Ahmad Khan** : When was the election to the municipal board held ?

Mr. G. B. F. Muir : In March, 1925.

9. **Dr. Shafa'at Ahmad Khan** : What is the number of Muslim members and Hindu members in the new municipal board of Ramnagar ?

Mr. G. B. F. Muir : The number of Hindu elected members is three. There is no Muslim member.

10. **Dr. Shafa'at Ahmad Khan** : What is the population of Hindus and Muslims in the municipal board, Ramnagar ?

Mr. G. B. F. Muir : Hindus 3,522 and Muslims 1,506.

11. **Dr. Shafa'at Ahmad Khan** : Is there separate electorate for Muslims in the Ramnagar municipal board ?

Mr. G. B. F. Muir : No.

12. **Dr. Shafa'at Ahmad Khan** : Did the Muslims of Ramnagar send a telegram to the Deputy Commissioner of Naini Tal and the Commissioner of Kumaun about the irregularities in the election ?

Mr. G. B. F. Muir : A telegram was sent to the Commissioner but not to the Deputy Commissioner.

13. **Dr. Shafa'at Ahmad Khan** : Why were no replies vouchsafed to them ?

Mr. G. B. F. Muir : The Commissioner sent a reply.

14. **Dr. Shafa'at Ahmad Khan** : Why were not the Muslims allowed to elect representatives to the board from their special constituency ?

Mr. G. B. F. Muir : There is no special constituency for Muslims in any notified area.

15. **Dr. Shafa'at Ahmad Khan** : Will the Government be pleased to make an inquiry into the elections to the municipal board, Ramnagar, without delay ?

Mr. G. B. F. Muir : There appears no reason for any inquiry.

16. **Dr. Shafa'at Ahmad Khan** : How, and when was the election of the chairman of the municipal board effected ?

Mr. G. B. F. Muir : The chairman was elected by the elected members on January 12, 1926.

DISTRICT BOARD RECORDS IN HINDI.

17. **Rao Sahib Abdul Hameed Khan** : (a) Is it a fact that certain district boards have sanctioned the measure of keeping their records in Hindi ?

(b) Will the Government be pleased to give the names of such district boards, if any ?

(c) If such has been the case in some district boards, will the Government be pleased to state what action have they taken upon this?

Mr. G. B. F. Muir : Inquiry is being made : the information is not yet available.

ROADS.

18. Pandit Nanak Chand : Will the Government be pleased to lay a statement on the table giving the following information for all the districts in these provinces which have taken over their roads from the Public Works department :—

- (i) the qualifications of the Public Works engineer employed by the district board ;
- (ii) the salary offered ;
- (iii) total mileage of district board I class roads with the mileage in good repairs ;
- (iv) the proposed outlay on the repairs and renewal of roads for the year 1926-27.
- (v) whether the officer employed is permanent or on probation ?

Mr. G. B. F. Muir : Inquiries are being made : the information is not yet available.

BUDGET, 1926-27.

DISCUSSION OF DEMANDS FOR GRANTS.

Demand No. 29.

22.—GENERAL ADMINISTRATION.

Hon'ble Sir Samuel O'Donnell : I beg to communicate to the Council the recommendation of His Excellency the Governor that under the head "General Administration" a sum of Rs. 1,08,75,197 be provided and to move that this sum be voted.

Motion No. 1.

Pandit Nanak Chand : Is the Hon'ble the Home Member concerned with the household of the Governor ?

Hon'ble the President : What has the Home Member to do with the household of the Governor ? Is that all that the honourable member wants to say ?

Pandit Nanak Chand : Yes, this is all that I wanted to say. I have nothing to say further.

The motion was, by the leave of the Council, withdrawn.

Motions Nos. 2 and 3 —Not moved.

Motion No. 4.

Mr. Muhammad Aslam Saifi : I beg to move that the demand of Rs. 1,00,000 concerning travelling allowance under "allowance and honoraria, etc." at page 40 of the Civil Detailed Estimates be reduced by Rs. 11.

[Mr. Muhammad Aslam Saifi.]

In moving this token reduction under this head, Sir, I only want to put a suggestion before the honourable the Leader of the House that on going through the proceedings of the Council of 1921—1923 I noticed that a resolution was moved to the effect that in the monsoon weather a session of the Council should be held at Naini Tal. That resolution was carried, therefore I need not go into the detail of the expenses that the Government might have to incur and need not worry the House by advancing any fresh reason for the purpose. It is understood generally that the Agra Tenancy Bill will be taken up for its third reading some time in July or August. I therefore put the suggestion before the honourable the Leader of the House so that he may communicate it to His Excellency the Governor as the wish of the House.

Dr. Shafa'at Ahmad Khan : I support the proposal of Mr. Saifi. I think a meeting of the Council should be held in Naini Tal. As regards the month, I am inclined to think that the month of July will be better than August. August is a very unhealthy month in Naini Tal, and I think it will not suit any member of the non-official side. Of course the officials are used to spending six months on the hills and they make no distinction at all as regards the month. To them May and September are as good or as bad as any other month, but from the point of view of a non-official member I think that if July is fixed for the meeting of the Council it will suit the majority of the non-official members.

Hon'ble Sir Samuel O'Donnell : Although formal and final orders have not yet been passed by His Excellency in the matter, I can say that in all probability the next session of the Council will be held in Naini Tal.

Pandit Nanak Chand : Is it the decision of the Government or of His Excellency the Governor ?

Hon'ble Sir Samuel O'Donnell : The matter rests entirely with His Excellency the Governor. As regards the month in which the session will be held, here again no final decision has been arrived at. But clearly a great deal will depend on the amount of time required by the select committees on the rent and revenue Bills. If the committees take an inordinate length of time over their work, it will clearly be quite impossible to hold a meeting in July, and I must say that I think it would be difficult—even assuming that the work of the committees is expedited—it would be rather difficult to hold a meeting in July. The matter will depend on the amount of time taken by the select committees. We must get the Bills through the select committees, and we must circulate the reports to honourable members, and so I cannot say anything definite at the present moment as regards the date.

Pandit Nanak Chand : May I ask a question, Sir ? In view of the announcement that has been made by the Hon'ble the Finance Member, may I inquire from him if the Government also propose to make any arrangements for the stay of the non-official members of the Council at Naini Tal, because I understand the accommodation available at the Government guest house is very limited ?

Hon'ble Sir Samuel O'Donnell: Naturally, if it is finally decided, as in all probability it will be, that the meeting should be held in Naini Tal, we will look into the question of arrangements for members when we go up to Naini Tal.

The motion was, by leave of the Council, withdrawn.

Motion No. 5.

Mr. H. C. Desanges: My motion was with the same object and there is now no need of moving it.

Motion No. 6.

Mr. H. David: I move that the demand concerning Imperial Hotel be reduced by Rs. 10. Sir, I find that this Imperial Hotel was the result of a motion made by Pandit Gokaran Nath Misra, whose work in this Council will ever be green in our memory. With long foresight, I think it was in 1921, he moved a resolution in this House that the Government should make some arrangements for the accommodation of the non-official members in Lucknow. That resolution was unanimously passed, and I may add with the full approval of the then Finance Member, Sir Ludovic Porter. And then in 1922 this building, known as the Imperial Hotel, was purchased on very advantageous terms from the Government of India, and the non-official members did find very suitable accommodation in this building, instead of inflicting their presence on their friends in Lucknow and taxing their hospitality, or going about begging of this member or that member, specially Shaikh Shahid Husain, now no longer with us, for a loan of the palatial rooms round about this Chamber. But unfortunately on the change of Finance Membership days of adversity followed the finances, and the so-called economy or retrenchment committee began their operations and then our present Hon'ble the Finance Member did declare in this House that it was only for the sake of economy that they intended to sell this building. I find again that Pandit Gokaran Nath Misra came to our assistance and knocked on the head this idea of selling the building, and the resolution as proposed by Pandit Gokaran Nath Misra in 1923 was carried and the building was saved. Now there it stands, and I have to bring forward certain matters for the consideration of this Council. In the first place I have to inform this Council that you could never have seen a Government building with such a woeful look all round in this city of green. In this place with green lawns all over the station I find there is not a single blade of green grass in the whole compound. There is a little patch, no doubt, but it is owing to the bursting of the water pipe and that patch is scarcely one square yard in area. I find that it is kept in the most wretched state possible. There were some flower-beds in the old days and they have all either dried up or been eaten up. There is nothing to attract any person. Then, Sir, I find another thing: there is a long deep *kachcha* drain running behind the rooms, emitting a stinking smell throughout the day, and I think, if members fall ill or become overcome with lassitude while occupying those rooms, it is the result of that malarial drain. I wish a committee was constituted with Mr. Billson, the Chief Conservator, and the Head of the Public Health department, of course presided over by Mr. Blunt, the Financial Secretary. I bring in his name because I know that that may induce him to loosen his purse string and give out some money for that Imperial Hotel. But

[Mr. H. David.]

now, Sir, comes another calamity, which I have specially to bring forward before this Council, and it is this. There are, I think, 26 rooms there, large and small. And the first angel of destruction that appeared and is still there is Mr. Billson. He has taken away two rooms from that Imperial Hotel for locating his provincial office there. Of course this encroachment is not of very great significance; but it does take away rooms in the building which have been purchased entirely for the use of the members of the Legislative Council. But this is not all, Sir. Now comes another, a much higher, angel of destruction. What happens? More than half the Imperial Hotel is to be taken away for the Accounts department; so much so, that even our Vice-President is to be ejected from the room which he has been occupying for the last six years or so, what to say of ordinary members. This is a calamity which, I think the Council must come forward to avert with as much strength as possible. To you, Mr. President, I also look for help. I take you to be the Head of the Legislature, and as such I take you to be the custodian of the rights, privileges, and interests of the members of the Legislative Council. And I would expect you to come to our help with a full and stout heart. The non-official members are strong in number, but still they need your help. The majority of the non-official members of this Council look to friends or even to Government magnates for sheltering them in their expansive bosom of hospitality; they do it all no doubt, but for all that they cannot accommodate all the members of this Council. Therefore I think that it is very necessary that the accommodation provided for the members of the Legislative Council in the Imperial Hotel should not be circumscribed for any consideration. With this view, Sir, I have brought forward this motion, and I would ask every non-official member to support this motion. It may be that there are several who do not care to live there on account of the hospitality of Government members and other friends, but there are others who are not so very fortunate; there are others who do want to show that they have got some sturdy manliness in them; there are others also who are so honest that they think that they should spend the money which the Government and the tax-payer pay them for living in Lucknow. That being the idea, I bring this matter before the Council and I seek the support of the entire Council, official and non-official, in helping us out of this difficulty.

Rai Bahadur Thakur Hanuman Singh: I regret very much to learn that the Imperial Hotel is going to be utilized for the accommodation of the clerks of a certain department. It was originally intended for the use of the members of the Council; and since it was acquired by Government it has been so utilized by members. There were certain defects on account of which certain members of this House did not like to put up in that building, chief of which was the want of sufficient accommodation for kitchens. If that need is supplied a larger number of members will utilize the building. At any rate it is a matter of very great inconvenience to those members who always put up in the Imperial Hotel if a part of the building is leased or rented to others. It may be said that the Government are to some extent responsible for finding accommodation for those who have been transferred from Allahabad, but I beg to submit that they are in a position to rent another building for the purpose. In any case, they should leave the Imperial Hotel

for use by the honourable members of this Council, even if it turns out that the hotel is not a paying concern. I hope the convenience of the honourable members will not be sacrificed for a small gain.

Hon'ble Sir Samuel O'Donnell: I do not think that the Council need be apprehensive regarding the lack of accommodation in the Imperial Hotel. It is true that we propose to put some of the clerks of the new Accounts office into certain rooms in that hotel. That of course is a purely temporary arrangement pending the construction of the new Council Chamber. Apart from that, we are reserving in the Imperial Hotel as large accommodation as has ever been required by honourable members. The question will not really arise during the present session of the Council, because, as I have already said, in all probability the next session will be held in Naini Tal. If next January it should appear that we have not left enough accommodation for honourable members, then of course we shall have to look around elsewhere for accommodation for our Accounts section. We have no desire or intention to deprive the honourable members of any accommodation which they really require in the hotel. So I do not think that Mr. David or any other honourable member need feel any apprehensions on that score. Mr. Billson, I may say, is leaving the two rooms next month.

Then, Mr. David commented on what he described as the "woeful look all round the Imperial Hotel." I have not been to the Imperial Hotel, I admit, for several years. But the Council must remember that we are charging very low terms indeed for accommodation in the hotel. I understand that the Audit department are inclined to think that we are charging too low terms and are somewhat exercised over the matter. They are inclined to think, I am told, that the rates charged are less than what we ought to charge according to financial principles. That being so, it might be difficult for us to find more money for beautifying the external appearance of the Imperial Hotel. At the same time I will look into this question of green grass around the hotel, and I will see whether anything can be done at an expenditure, which we can meet. I know nothing about the *kacheha* drain, which according, to Mr. David, emits such an unwholesome odour. I do not know whether it is a municipal drain, for which we have no responsibility.

Mr H. David: It is a drain in the compound itself.

Hon'ble Sir Samuel O'Donnell: Then, it is clearly undesirable that such an offensive drain should remain in the hotel. I will have the matter looked into carefully, but I do not think that, as Mr. David said, there has been any decline in the energy and vigour of the honourable members who reside in the hotel.

Mr. H. David: I beg to withdraw the motion.

The motion was, by leave of the Council, withdrawn.

Motion No. 7—Not moved.

Motion No. 8.

Rai Bahadur Lala Mathura Prasad Mehrotra: I beg to move that the demand of Rs. 2,02,966 concerning Provincial Legislative Council at page 40 of the Civil Detailed Estimates be reduced by Rs. 101. By moving this token reduction under the head "Provincial Legislative Council" I want to draw the attention of the Government to the insufficient days allotted for the non-official business of the Council. We had no

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

non-official days in the month of February this year. We got only three days in January and we are going to have another three days in April at the end of the long session when most of the honourable members will be desirous to go back to their homes. It was on April 1, 1921 that the honourable Pandit Gokaran Nath Misra moved a resolution for fixing Council meetings in almost every month of the year, which was adopted by the Council. Another resolution was then moved in 1925, but it was rejected, on the understanding (though this is not in the proceedings, but it was a sort of private understanding) that we would get more and more days for non-official business. In spite of all these resolutions we are getting less and less days every year. I think it is only fair that the non-official members should get more opportunity to bring the needs of their constituencies before the Council. For want of a sufficient number of days it is difficult for us to move many resolutions upon urgent matters. This is a very legitimate grievance of the non official members and requires the earnest attention of the Government.

The next point to which I want to refer is regarding the allotment for the Council library. Our Council library is very poor and after a year or so when it is transferred to the new Council Chamber it will make a mock show Rupees 3,000 that have been allotted in the budget are quite inadequate to purchase books that are required for the Council library. I admit that this year there is an increase from Rs. 2,000 to Rs. 3,000, but this is not sufficient at all. I hope the Government will make sufficient provision for the Council library.

Hon'ble Sir Samuel O'Donnell : We have had more than one discussion in the past regarding the allotment of days for non-official business. I have pointed out on these occasions that the allotment of days does not rest with the Government as such, but with His Excellency the Governor. I should like, however, to invite the attention of the honourable mover to what happened in the meetings of December and January. In December nine days were allotted for business, and I think the greater part of those days was allotted for non-official business. On the final day the Council, I am informed, was adjourned for want of a quorum. Then, again, in January a number of days were allotted for non-official business, and I have a distinct recollection that the honourable member was himself speaking on a resolution which was dear to his heart when it was discovered that there was no quorum. It seems to me that that indicates clearly that the majority of the Council, if more days were allotted, would not find it possible to attend. It must be remembered that most members of the Council are not professional politicians. They are landlords who have to look after their estates or lawyers who are engaged in practice, and therefore they can only give up a certain number of days for attending the Council. The fact that on the last two occasions the Council had to be adjourned for want of a quorum makes it quite clear that there are strict limits to the number of days on which the members can attend.

As regards the library, this is the first time that the matter has been brought to my notice. I agree that Rs. 3,000 is not a large provision for the Council library. Last year Rs. 2,000 were provided; this year we have increased it to Rs. 3,000. We are quite prepared to

consider a further increase in the allotment of Rs. 1,000 or Rs. 2,000 if our resources permit.

Mr. Muhammad Aslam Saifi : I just wanted to correct the statement of the Hon'ble the Finance Member. This is not the first time that the matter regarding the Council library has been brought to his notice. I remember distinctly that when the demand for the Council Chamber was discussed, I myself brought the matter before the House.

Hon'ble Sir Samuel O'Donnell : I have no doubt that the honourable member's memory is more accurate than mine. I am quite prepared to accept his statement that the matter was brought to my notice. I had forgotten it, but apparently the Finance department had noted the point, and that is why they have made an increase of Rs. 1,000 in the present allotment.

Pandit Nanak Chand : I had no intention of speaking on this motion, but the remarks of the Hon'ble the Finance Member have induced me to say a few words. Our discussions this morning began with the assurance by the Hon'ble the Finance Member in connexion with the motion of my friend Mr. Muhammad Aslam Saifi that the next meeting of the Council be held at Naini Tal. This is primarily a question which is to be decided by His Excellency in the same way as the allotment of days for non-official business. It appears that when it suits the Government members to oppose a proposal, they take their stand behind the exclusive privileges of His Excellency, but when a proposal meets with their approval, even though the question might be within the exclusive privileges of His Excellency, the same is readily accepted on the floor of this House.

Hon'ble Sir Samuel O'Donnell : I rise on a point of personal explanation. May I explain that I was authorized by His Excellency to say that in all probability the next session of the Council would be held at Naini Tal? I did not usurp the privilege which is vested by law in His Excellency. The summoning of the Council is a matter which rests exclusively with His Excellency; but, as I have already said, I was authorized by him to say that in all probability the Council would be summoned on the next occasion to meet at Naini Tal. There was thus no inconsistency as regards the attitude which I took up in regard to the first point and the attitude which I have taken up on this motion.

Pandit Nanak Chand : In connexion with the point raised by my friend Mr. Mehrotra, I agree to a great extent with the Hon'ble the Finance Member that most of us are busy people and sometimes find it personally somewhat inconvenient to attend the meetings of the Council. But the fact that we have volunteered to serve our constituencies presupposes that we are ready to put our personal interests and conveniences in the background and to respond to the invitation for the sittings of the Council in the interests of non-official as well as official business; it is a matter for regret it is quite possible that it may be due to some peculiar circumstances, e. g., lack of interest in the particular question that on one or two occasions there was no quorum. It may have been on account of the nature of the business that we had before the Council or it may be for some other reason, for instance, practical non-co-operation by official members who absented themselves in a body to obstruct non-official business; but from that it should not be supposed that the non-official members do not attach as much

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importance to non-official days as they ought to attach. I think the mere fact that on one or two occasions the quorum was wanting should not be taken as a clear indication by the Government that the non-official members of the House want to shirk their responsibilities in any way. With this view in mind I would request the Hon'ble the Finance Member to place the views of this Council before His Excellency the Governor for fixing sufficient number of days for non-official work as well, wherever the Council meets in future.

Rai Bahadur Lala Mathura Prasad Mehrotra : I am very thankful to the Hon'ble the Finance Member for the assurance that he has just given about increasing the grant to the Council library. As regards the first point I was not satisfied with the explanation that he has given. I admit that the Council had to be adjourned on two occasions, but both the officials and non-officials were responsible for it. I can say that there were only two official members present at last occasion. Is it not proper for the officials to take interest and sit in the Council when the non-official members are putting their grievances? It is but out of courtesy that they should regularly attend on the days allotted for the non-official business, on the contrary, the officials, in order that there may not be a quorum, did not come inside the Council on that day in spite of the fact that the bell was rung for five minutes. Besides this, the days which have been referred to by the Hon'ble the Finance Member were the last days of the session, and it is quite natural that the members, in order to get a convenient train left the Council earlier. So the quorum could not be had only on the last days. I cannot, therefore, accept this explanation, and I submit that it was due to the non co-operation of the officials that the quorum was not full. I will not, therefore, withdraw the motion unless I get an assurance from the Hon'ble the Finance Member that he will put the case before His Excellency the Governor in order to get some more non-official days for the next session of the Council.

Hon'ble Sir Samuel O'Donnell : I did not mean to suggest for one moment that the non-official members in any way shirked their responsibilities, which was the phrase used by Pandit Nanak Chand. What I intended to say was that most of the members are busy men, men who have private businesses of various kinds to look after, and they can only attend on a limited number of days. It must be remembered that when we have had a good deal of official business non-official members have attended on official days, and it cannot be expected that they should in addition, attend on a very large number of days for non-official business. Pandit Nanak Chand suggested that the Council broke up for want of a quorum not because of any general lack of interest on the part of the members nor because they were too busy, but because they were not interested in the particular business that was before the Council.

Pandit Nanak Chand : I said it could have been for various reasons that there was no quorum.

Hon'ble Sir Samuel O'Donnell : The honourable member suggested that one of the reasons for want of a quorum might be that the members were not particularly interested in the particular business that was before the Council. I think that is rather hard on the honourable mover

who brought this motion, because it was during his speech that the Hon'ble the President adjourned the meeting.

The honourable member said that the officials had not co-operated with the non-officials. I do not remember myself how many officials were present at that moment. I was certainly present here myself, listening carefully to the arguments of the honourable mover. It must be remembered that most of the officials are secretaries and heads of departments, who have a great deal of business of their own to transact, and it is not surprising that occasionally they do slip away to transact their own special work during a discussion which does not very directly concern them. But there have been a number of other occasions on which the officials have provided the greater part of the quorum. After all the number fixed for a quorum is only 25. So it is quite clear that if 25 non-official members were not present, that must mean either that they have lost interest in the debate or, which is much more likely, considering that on each time that there was no quorum it was the last day fixed for non-official business, that they thought that the Council had sat long enough.

The honourable member asked that I should bring the matter to the notice of His Excellency the Governor. Regarding that I can only say that all the proceedings of the Council do go before His Excellency in the ordinary course.

Hon'ble the President : The object of the motion, I take it, is to secure a larger number of days for non-official business. With that object the motion is being put to the House. The question is that the demand be reduced by Rs. 101.

The motion was adopted.

Motion No. 9

Khan Bahadur Maulvi Fasih ud-din : I beg to move that the demand 22A under the head of Provincial Legislative Council amounting to Rs. 1,63,966 be reduced by Re 1. The object of this motion which I have moved was described by me rather cursorily in the opening part of my speech in connexion with the general debate on the budget, in which I said that much of the inefficiency of the Council was due to the short period of its life.

Rai Bahadur Lala Mathura Prasad Mehrotra : On a point of order, Sir. Is the honourable member in order in bringing these points in motion No. 9 when there are so many motions on the same subject on the agenda paper ?

Hon'ble the President : I do not know. I have not yet heard the honourable mover.

Khan Bahadur Maulvi Fasih ud-din : Let me finish. It is clear that in the first year of our life we have to be merely schoolboys. In the second year we are in a little advanced stage, and in the third year the sword of Damocles is hanging over our heads while we are busy in doing the Council work. Our adversaries are busy in cutting the ground under our feet and in poisoning the ears of our constituents against us. I submit, Sir, that it goes without saying that this Council is not the Council of the pre-reform days. It is the Council which needs solid and real work and it does not need any official favours to be sought after. It is the Council of the people which exists for the benefit

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of the people and it is not the Council of the Government which exists for the benefit of the Government. This is the Council of democrats and not the Council of bureaucrats. It is the Council which has got life and vitality and offers a very fair promise for our future political developments. It is for this reason that we should be able to do some solid work in this Council. But I put it to you, Sir, whether situated as we are, we can do this or not. Whether our Ministers in the transferred departments can dare think of putting forward any scheme of far-reaching character, much less than putting it into actual execution. I am sure that the pre-ent arrangement, that is the present life of the Council, is a very great drag on our future political development. It is an hindrance to the natural growth of our political life, and it is a clog on our political machinery. Hon'ble the Finance Member has just remarked that most of the members are not professional politicians and that they take very little interest in the work of the Council, so much so that very often there is no quorum.

He suggested some reasons for this. But I will solve his difficulty by saying that all the inefficiency of the Council and all lack of interest in this work is due chiefly to the short term of its life. Leaving aside this consideration of the inefficiency of the Council, the term of three years constitutes a very great drain on our financial resources. It is a source of our growing bankruptcy as it were. If we take the average of Rs. 4,000 which the two rival candidates have to spend between themselves and consider the fact that the number of constituencies is 100, we have to spend at least 4 lakhs every alternate year, not to speak of the large sum that the Government has to spend from public funds. Some of us had to spend at the last election between Rs. 5,000 and Rs. 15,000, and a friend of mine is said to have spent as much as Rs. 30,000, and the result was that he sustained a defeat. Another gentleman of the Agra Province, who is very wealthy, is said to have spent as much as between Rs. 35,000 and Rs. 40,000, with the result that he has been able to attend this Council only three times during the two years. This is a matter which ought to be looked into by those who are responsible for fixing the term of these Councils at three years, but the most serious matter still remains to be described. To crown all, the triennial gladiatorial fights that we witness are really a sorry sight. We fight like bulls; we attack one another like fierce beasts; we descend even into personalities and forget the golden principle which Shakespeare put into the mouth of even one of his worst characters.—

“Who steals my purse steals trash; * * *
But he that filches from me my good name,
Robs me of that which not enriches him,
And leaves me poor indeed.”

Thus a brother fights a brother; a son goes against his father and enmities become permanent. I ask why we do all this; what is the object of all this that we do? This is all for the sake of finding an admission into this Council. This is for the sake of allowing ourselves to be entangled in the meshes of the dyarchical system. I put it to you, Sir, to answer if this is the result of our scramble for political emancipation, and if this is the result of the Morley-Minto scheme. I remember a story which I read in a book some time ago.

A school mistress asked her girl student "What did the Romans do for the Britons?"

"They civilized them" was the curt reply of the girl.

Again the question came "In what way did they civilize them?" and the shrewd girl replied "They taught them how to fight." Are these reforms meant to make us fight? If this is so, then I certainly bow to the gentlemen who want to keep us fighting through the instrumentality of these reforms. I think it is high time for us to look back on what we have done since the inauguration of these reforms and on the amount of mutual hatred and mutual enmity we have created in one another. Considering all these facts I think it will be unwise, rather I should say morally sinful, not to seriously consider this problem.

Pandit Nanak Chand: I find myself on general grounds in agreement with my friend Khan Bahadur Maulvi Fasih-ud-din. But if he meant to suggest that the life of the present Council should be extended, I beg to differ from him and I think for very good reasons. In the first place it would not look well on our part sitting in this Council to do so; it would look selfish on our part to extend the term of our office by this indirect method. The second ground on which I want to dissociate myself from the proposition to extend the life of the present Council is one which I think which appeals to the honourable members of this House. From the time this second Council was constituted we had in our ranks on the non-official side a homogeneous group of Swarajist members who came to the Council on the ticket of consistent and continuous obstruction, but having entered the Council they worked in the Council as responsive co-operators. Recently that important group has walked out in obedience to a mandate issued by the Congress. The result of their walk out is that their constituencies are practically unrepresented. I want to know whether my friends who want the life of the Council to be extended wish to suggest that the country and the constituencies should be deprived of an opportunity to give an early verdict whether they want their interests to be represented and safeguarded by people who will stick to their places even under the adverse circumstances imposed by the present defective constitution or they would like the members of this House to abandon their duties on the decisions of an outside agency without consulting the wishes of their constituencies, or that they would require the swarajists to modify their policy.

Mr. Muhammad Aslam Saifi: Did the Council ask them to walk out?

Pandit Nanak Chand: Neither the Council nor the constituencies asked them to walk out and I wish that my honourable friends will admit the force of this point that the constituencies should be allowed to give a verdict either in favour of the policy of the Swaraj party or against it, and the sooner it is done the better. For that reason I would submit that while agreeing on general grounds with the proposition advocated by my friend Khan Bahadur Maulvi Fasih-ud-din, I am not in favour of suggesting it to the Government that the life of this Council should be extended. During the present budget session every non-official member has felt that their voting strength has been considerably reduced on account of the walk out of our Swarajist friends, and we find ourselves absolutely impotent in our Council work and absolutely at

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the mercy of the Government. I would request my friend Khan Bahadur Maulvi Fasih-ud-din not to press this motion on this ground that the life of the present Council should be extended.

Rai Bahadur Lala Mathura Prasad Mehrotra : As my friend Khan Bahadur Maulvi Fasih-ud-din has anticipated me in another motion, I will support his motion instead of moving my own. When he brought the question of the extension of the term of the Council he never meant that the term of the present Council should be extended, I believe, and beside that it is impossible also. It is only for the new election of 1926 that we are pressing this motion. The period of three years is indeed very short. The first year is spent in learning the ways and in putting our nose into the labyrinth of the budget. It is only in the second year that he tries to translate his experience of the first budget into practice and then sees if he is right or wrong, while the third year is spent in pondering over the new elections as has just been said by my friend. So, Sir, the members do not get time to know really where they have to oppose in the budget and what to do with the demands of the Government. The term for the heads of provinces is five years and so is for the Executive Councillors. I do not see any reason why the Ministers and the non-official members should not have the same period. It is but right that they should be allowed the same period of five years' duration. Then, Sir, I want to impress upon the Government that when the Royal Commission comes in 1929 the Government of our province should tell them definitely that the province demands the extension of the term of the Council to five years. In the meantime the debate of today should be sent for the consideration of the Government of India. I do not know . . .

Hon'ble the President : There is a section in the Government of India Act in this connexion. I hope the honourable member knows it.

Rai Bahadur Lala Mathura Prasad Mehrotra : I was not aware of it, and I am thankful to you, Sir, for having reminded me of it. In the circumstances I hope that the Government will agree with us and accept the motion of my honourable friend.

Raja Shambhu Dayal :

جناب پریسیڈنٹ صاحب —

میں بہت مختصر عرض کروں گا — ہر فرد و بشر جتنے میمبر صاحبان اور جتنے عہدہ داران اس کونسل کے اندر موجود ہیں اگر ان کے دل کا عکس کسی طریقہ پر لیا جاسکتا ہے تو ہر شخص یہہ خواہش کریگا کہ اس کونسل کی میعاد بڑھا دی جائے اور 5 سال کر دی جائے گو یہہ کہنا اس وقت خود غرضی میں داخل ہوگا چونکہ میں یہی ایک میمبر کونسل ہوں اور یہہ خیال ہوگا کہ یہہ بھی اپنی میعاد بڑھانے کے لیئے چاہتے ہیں اور میں آئندہ کا امیدوار بھی ہوں (قہقہہ) لیکن اگر واقعات پر آپ غور کریں کہ یہہ تین برس کی میعاد کتنی کم ہے — ایک طرف تو فائینیس ممبر صاحب اور ہوم میمبر صاحب کی میعاد پانچ سال ہے لیکن منسٹر صاحبان کی میعاد تین ہی سال ہے — ایک کھچوری ہنجانی ہے اور توام خراب ہو جانا ہے اور ترکیب بگڑ جاتی ہے (قہقہہ) تین

سال تک میمبر صاحبان اور منسٹر صاحبان ساتھ ساتھ رہے اور اس کے بعد دوسرے منسٹر صاحبان آگئے یہہ کس قدر نقص کی بات ہی - اب ذرا اس پر خیال فرمائیں کہ ابھی ۹ مہینے الیکشن کے باقی ہیں اور ابھی سے ہم لوگوں کا خواب و خور حرام ہو گیا ہے - (تہقہ) کونسل کے کام میں طبیعت نہیں لگتی اسے دیکھئے بیٹھے بیٹھے لوگ یہاں یہہ تصویریں بنایا کرتے ہیں (تہقہ) پہلے ۶ و ۷ مہینے اس فکر میں گذرے تھے کہ الیکشن ہی اس کے بعد کونسل میں آئے تو کام سیکھا کام کرنے کی قابلیت ہوئی تب تک پور یہہ خوف پیدا ہو گیا کہ آئندہ الیکشن کی تیاری کرنا ہی لہذا سارا وقت اسی حیض بیض میں گذر گیا - میری گزارش یہہ ہے کہ گورنمنٹ کی طرف سے فائیننس میمبر صاحب اگر اس بات کا اطمینان دلاویں کہ گورنمنٹ کو کوئی اعتراض نہیں ہے تو میرا خیال ہے کہ کوئی بھی میمبر ایسا نہ ہوگا کہ جو اس کی تائید نہ کرے - بہت لوگ جو ابھی اس سے مخالفت کر رہے ہیں اس کی وجہ یہہ ہے کہ وہ اس خیال میں ہیں کہ شاید گورنمنٹ نے اس کو منظور نہ کیا اور ہم نے یہاں اس کی تائید کی تو ہمارے الیکشن میں آئندہ کیا نتیجہ ہوگا (تہقہ) وہ لوگ جو ہمارے مخالفین ہیں یہہ دکلاؤنگے کہ یہہ کیسے ایماندار میمبر ہمارے تھے کہ جنہوں نے دوسروں کا صفایا کر دیا اور اپنی توسیع میعاد کی کوشش کی لیکن اگر گورنمنٹ کی طرف سے یقین دلا دیا جائے تو میرا خیال ہے کہ بلا مخالفت کے یہہ موشن (motion) آپ کا پاس ہو جائے •

Rai Bahadur Thakur Hanuman Singh: I rise to add a few words to the discussion that has been going on in this House. I think the time has not yet come when the term of the Council should be extended beyond three years. At present the political situation of the country is not such as to be considered satisfactory. At the same time there are numerous political parties which are warring amongst themselves and then at the same time we have to fight with the Government for further reforms. The time for a longer term of the Council will not be before India gets full responsible Government or dominion status. In that case the Government will be conducted by that party which will be returned in majority to the Council, and it will be opposed by the opposing party. I think it will be that time when the term of the Council should be five years or more or as long as one Government remains in power.

Raja Bahadur Brij Narayan Rai:

جناب والا -

یہہ تقریر جو ہمارے دوست خان بہادر مولوی نصیح الدین صاحب نے کی ہے وہ نہایت مدلل ہے اور آپ نے اپنی قابلیت کا پورا اظہار کر دیا ہے - ہندوستان ہی کی مثالیں نہیں بلکہ یورپ اور دنیا بھر کی مثالیں آپ نے اپنی تائید میں ارشاد فرمائی ہیں اور ہمارے دوست راجہ صاحب مورادان نے بھی نہایت عمدہ طریقہ سے جو واقعات ہیں ان کا اظہار کر دیا ہے - میں یہہ گزارش کرنا چاہتا ہوں یہہ جو ۳ سال کی میعاد ہے یہہ طبعی ناکافی ہے اور اس کی وجہ یہہ ہے کہ ابھی ہم لوگوں کو کونسل کا تجربہ جیسا کہ چاہیئے ویسا نہیں ہے کیونکہ ہمیشہ سے حکومت کا طریقہ اور رہا ہے لیکن اب گورنمنٹ کی مہربانی

[Raja Bahadur Brij Narayan Rai.]

سے اس کا طریقہ ایک دم بدل دیا گیا ہی اور ہم کو اختیارات مل گئے ہیں کہ اُن روپیوں کے متعلق جو ہمارے ملک سے وصول ہوتے ہیں اُن کے مناسب خرچ کیئے جانے کے متعلق اس کونسل میں بحث کریں واقعی میں یہ مشق ہوتے ہوتے ہم کو ہوگی *

ایکشن کے زمانہ میں جو جو دقتیں واقع ہوتی ہیں اور خصوصاً راجاؤں میں کیونکہ اگر اتفاق سے کہیں سے دو صاحبان کھڑے ہو گئے جیسا کہ میرا اور راجہ صاحب تمکوٹی کا مقابلہ ہو گیا تھا تو اُس میں کئی نقصان ہوتا ہی اور پبلک کو تکلیف ہوتی ہی (اور غلط اسپیچیں دی جاتی ہیں) - قانون کے در سے نام خرچہ بھی پورا پورا نہیں بندھوا سکتے چونکہ چودہ ہزار کا ناعدہ ہی (تہقہ) ہزاروں روپیہ خرچ کرنا پڑتا ہی اور مقدمہ کے وقت بیان کرنا پڑتا ہی کہ واللہ تسمیہ بیان کرتا ہوں کہ اس سے زیادہ خرچ نہیں ہوا - جو اصحاب آجکل کونسل میں ہیں وہ نہایت اچھی طرح سے کام کر رہے ہیں اگر ان کی میعاد نہ بڑھائی جاوے گی تو غالباً آئندہ ایکشن سے اتنے اچھے آدمی نہ مل سکیں گے اور اگر ملے بھی تو بہت مشکل سے لہذا تیس سال غالب ہی کہ اگر اس میعاد میں توسیع کر دی جائے تو بہت زیادہ آسانی ہوگی - ملک کو جو اس قسم کے جھگڑوں سے زبرداری عونی ہی اُس سے وہ محفوظ رہیگا - واقعہ یہ ہی کہ مسٹر چندنامنی اور ملا صاحب کے چلے جانے پر یہ خیال پیدا ہو گیا تھا کہ اب کوئی لائق منسٹر نہ مل سکیگا لیکن ہم کو خوشی ہی کہ اب جو منسٹر صاحبان ہیں وہ نہایت قابلیت سے کام کر رہے ہیں اگر یہ تبدیل کر دیئے جائیں گے تو اُن کو جو تجربہ حاصل ہی وہ بھی بیکار جائیگا اور یہ خیال بھی رہتا ہی کہ کون صاحب ہونگے اور کون صاحب نہ ہونگے - اسی طرح سے میمبران کی بھی حالت ہی اُن کو کافی تجربہ اس وقت تک نہیں ہوا ہی اور ضرورت اس بات کی ہوتی ہی کہ وہ دوسروں کی مدد لیتے ہیں یا وہ آکر کے جیسا کہ ہمارے راجہ صاحب نے شیر کی تصویر دکھلائی ہی اور اُن میں میں بھی ہوں میں ذرا خاموش زیادہ رہتا ہوں (تہقہ) لہذا میں نہایت ادب سے گزارش کرتا کہ اگر کوئی ناعدہ مانع نہیں ہی تو اس کونسل کی میعاد تین سال کے بجائے پانچ سال کر دی جائے *

Khan Bahadur Maulvi Fazl-ur-Rahman Khan : I had no intention of taking part in today's debate, but I am encouraged by the example of the great philosopher Diogenes who was once found rolling his tub; while others were busy in repairing the city walls and ramparts and arranging their weapons to ward off an impending invasion of the town. A man asked him as to what he was doing. He replied:—"I should not be idle when others are busy." When I entered the hall today I found that every member was taking part in this discussion. I at once decided to bid good-bye to my reticence and to say a few words on the subject. I must tell the Council at the very outset that I will support the motion of my friend Khan Bahadur Maulvi Fazil-ud-din, but not on any personal ground as other members have done. A few months ago a motion was brought forward before this House for the postponement of the last municipal elections. I was myself chairman of a municipal

board and the motion, if carried, should have extended my term also but I opposed it. I spoke against my own interest. From this it is clear that I never attach much importance to my personal interests. My reasons for supporting Khan Bahadur Maulvi Fasih-ud-din are various and strong. I heard with great attention the learned speech of Khan Bahadur Maulvi Fasih-ud-din and I also listened attentively the arguments advanced by my friend Pandit Nanak Chand. I am a lawyer. I will regard the proposer as plaintiff and the opposer as defendant. The Council, suppose for a moment, is the court before which this suit has come up for decision. If the Council were to ask me to deliver judgement on its behalf, my findings will be as follows:—The pleadings of the parties give rise to two issues. (1) Whether the time of the Council be extended or not? (2) If the time is to be extended, whether the benefit of the extension be allowed to this Council or not. These are the only two issues. Now, Sir, in this case the defendant admits the validity of the plaintiff's claims. Pandit Nanak Chand candidly admitted that he was in agreement with Khan Bahadur Maulvi Fasih-ud-din as far as extension was concerned. In deciding this issue, therefore, I need not be lengthy. Suffice it to say that a period of three years is in fact too short. I entirely agree with what Khan Bahadur Maulvi Fasih-ud-din Sahib said on the subject. My reasons are the same. I need not recapitulate them. Issue decided for the plaintiff. Issue No. (2). The defendant contends that if the plaintiff's case is decreed the decree should not be made executable in his lifetime. I find no provision of the law which justifies such an argument. Common sense also will not allow such a course. If the extension is good, the plaintiff must have its full benefits. If it is bad, the plaintiff must suffer all its evils. "Charity begins at home." If the Council votes in favour of the extension of its life, I think the members of this House are fully entitled to the benefits of that extension. If God were to extend human life from 60 to 100 years I do not think any member of this House would say that the period of his life be not extended. Maulvi Fasih-ud-din's claim therefore appears to be legitimate and valid. Something was said in the course of the debate about our Swarajist friends—I will not make any remarks about them. In matters of importance we should not take individual cases into consideration. I find this issue also for the plaintiff. Plaintiff's suit is decreed.

Mr. H. C. Desanges : I only want to bring one point forward to the House which I do not think has been touched upon. I think a good case has been made out that the life of a Council of three years is short, but we ought to remember certain facts. When we came in, those who were returned as elected members, came in knowing that they were coming in for three years, and whatever money they may have spent they knew that they would get the benefit of that money for three years. It is not fair to those people who knowing that at the end of three years new-comers will get a chance of coming in, to keep them waiting. How should we feel if we were kept out of office by another batch of people who came in and voted for themselves—to exaggerate a little—a life of ten years? What would be our feelings who were outside the Council? As has been brought out, we have felt the want of the Swarajists in this House, whether we agreed with them or not. We do learn certain things from the points of vision that they produce before this House. And if they have walked out of this House, they have not

[Mr. H. C. Desanges.]

walked out with the consent of the electors, and therefore why should a large number of people in these provinces be deprived of their representatives? Therefore I think though the life of the Council may be prolonged for more than three years, it ought not to be this Council.

I stand to go out myself, but I stand by principle and fairness to others.

Lient. Raja Durga Narayan Singh : I have listened with great attention to those honourable members who have supported this motion and also to those who have opposed it. I have got a very important point to bring to the notice of this Council. We should not consider the question with a narrow outlook of our own self-interest; that in the next election we will have to spend thousands of rupees or have to undergo certain trouble; but we should look at it keeping in view the feelings and the interest of our constituents, rather electors, whether they are satisfied or not with the work we have done here in Council. In saying this I want to say that if we ask anything from the Government it will be solely for our self-interest, because the time has not yet come, the Government have not accepted our request for appointing the Commission before 1929. So I think this is a very inopportune time for us to say anything in favour of extending the lifetime of this Council or the lifetime of other Councils. It would be a very selfish motive of ours to ask for this favour. First of all we represent the public and we ought to give preference to the public interest first. Then we should look to our own interest. This is the only fair thing that we ought to do in this Council, and I do not wish to take up this question just at present because I will get an opportunity at other times when I shall discuss it at length, but I wish to remind this House . . .

Hon'ble the President : Will the honourable member discuss the same thing over again today?

Lient. Raja Durga Narayan Singh : There are certain motions, Sir, in connexion with which . . .

Hon'ble the President : This matter will not be permitted to be discussed again. The honourable member had better say whatever he wants to now when the motion is before the House.

Lient. Raja Durga Narayan Singh : So it is but fair for the members of this Council not to look to their self-interest only but they ought to care for the interest of the public also.

Pandit Brijnandan Prasad Misra : But for the undue importance attached to it, I would not have been under the necessity of speaking any word upon this motion. The speeches that have come from the side of the supporters of the motion have taken us into many side issues, which, if I were to touch upon one by one, I would be wasting a good deal of the time of the Council. For instance, an honourable member's reference to the first Ministers with the distinction that he tried to draw in regard to them the contrast that he brought into relief in regard to the present Ministers and the first ones being one which could have been better left unmentioned. It is a question upon which the Council itself, as well as the whole province outside, can very well pass judgement. I think it is not proper for us, sitting as we do here, to pronounce any sort of judgement upon ourselves. To me the action of an honourable friend who has tried to pronounce a judgement upon

this question just like a court, would have seemed ridiculous if it had not come from such a prominent member. I think that when he acted as a judge he combined in himself two capacities, one of plaintiff and the other of judge. Himself being one of those who desires the extension of the term, his judgement has no value. It is just like the one that is pronounced by a magistrate in cases under section 110, where the magistrate himself is the complainant and the judge. But there is but one distinction in regard to proceedings here and there and it is that there the accused are bad characters, here their characters differ. I think my honourable friend, Mr. Desanges, has brought out a very pertinent point and it is that if we extend the lifetime of the Council the constituencies of the honourable members who have walked out would suffer for no fault of their own.

I do not want to pronounce any judgement in regard to the action of those honourable members who are not here at a time when their presence would have been of much help. I cannot, however refrain from saying that the honourable member who has just spoken and who is a nominated member, has shown a very broad outlook in saying that the term of this Council need not be extended. At the same time, I am surprised at the conduct of those honourable members who have supported extension of the term of the Council. Whatever they may have in their mind, and I do not want to question their motives—I cannot refrain from saying that if they want to have the lifetime of the Council extended for five years—why not a hundred years, or for the number of years for which each individual member is expected to live? It can be interpreted by the outside public only in one way and it is that they are not prepared to meet their constituencies face to face. I do not say that; but this interpretation might very easily be put on their action. They might say that if the honourable members had discharged their duties properly, if they had acted like honest men, if they had safeguarded the interests of their constituencies and worked for the well-being of their country, they need not be afraid of facing their constituencies, and if they have served the people well, they could hope to return to the Council easily. I would now add that even if they are not returned owing to the ingratitude or incapacity of the electorate to judge, they will have the wholesome satisfaction in their hearts of having discharged their duties properly. There are instances, no doubt, of members who have spent Rs. 30,000 in the elections, but there are instances of the other kind also, and I am one of those who have not spent more than three pias in the elections. But after all it is not the duration of membership but the measure of good accomplished that can compensate, and therefore there is no good in seeking protection behind excuses. I know that every person who is born has a desire—whether the desire is right or wrong I do not say, but it does exist there—to live as long as possible. But his requests for living longer are not granted even by God—who is not adverse to anybody. I think we reflect upon ourselves by saying that the lifetime of this Council should be extended in this way. We are here in the school as students, sitting at the feet of the Hon'ble the Finance Member for the purpose of learning practical lessons in self-government. We would be reflecting upon him as well as upon ourselves if we say that the period of school must be extended and that our scholarship must be extended to a larger number of years than the number fixed originally. I think if our teacher is a capable man

[Pandit Brijnandan Prasad Misra.]

and if we ourselves are not absolutely unworthy students we can pick our work up in the course of three years. Some of us will be returned; others may not be; but why should we ourselves entertain the desire to remain here? Those who have a right to ask us to remain here are those who have sent us here. If we claim to be the servants of the people, if we claim to be the representatives of the people, we ought to remain here only as long as we are engaged for their service. When our constituents sent us in the last elections they knew that they were sending us for three years. Now, after judging us from our work for three years, they must get an opportunity of deciding to send us again or not. I will not, as I told you, Sir, in the beginning, make any reference to the capacity of the present Hon'ble Ministers. I think they have every right to exist when appointed, even in the large number in which they do at present adorning the benches and I do not question it, nor do I wish to say a word about the manner in which this Council has discharged its duties. I beg to submit that if the Council has worked properly, with due regard to the interests of the constituencies which it represents, it is only in the fitness of things that at the expiry of the term of the Council we should go back to our constituencies and ask them, if they want, to send us back. If they do, we will come back most willingly, otherwise we have absolutely no right to serve like the members of the Indian Civil Service, who serve us in spite of our wishes. Sir, it is a question in which we should not expose our childish selfishness; it is one which ought to be considered very seriously. The subject-matter of the motion is, moreover, of the nature on which decision cannot be reached either by this Government or by the Government of India, and as hinted by you, Mr. President, even if the motion be carried, it cannot be enforced without the Government of India Act being amended. So I hope the Council will not waste any more time on this subject and the honourable member for Budaun will withdraw his motion.

Hon'ble Sir Samuel O'Donnell: I have to invite the attention of the Council to the provisions of the Government of India Act. That section lays down as follows:—

“Every Governor's Legislative Council shall continue for three years from its first meeting, provided that the said period may be extended by the Governor for a period not exceeding one year by notification in the official Gazette of the province, if in special circumstances to be specified in the notification he so thinks fit.”

It will be observed that the Governor can only prolong the duration of the Council if there are special circumstances which in his judgement render it necessary to do so. It is, of course, for His Excellency to decide whether there are or are not such special circumstances; but at any rate in the course of this debate no question of special circumstances has been raised. All the arguments that have been advanced have been purely general arguments. They have all been arguments, which if they are valid—a point on which I do not think it necessary to express an opinion—would show or tend to show that the normal period of the duration of a Council should be more than three years. In other words, they are arguments that concern a proposal which could only be carried out if section 72B of the Government of India Act were amended.

Now, Sir, section 84A of the Government of India Act provides for the appointment of a statutory commission at the expiry of ten years from the date of the passing of the Government of India Act of 1919, and it says that the commission shall inquire into the working of the system of Government. Presumably, therefore, this question of the period of the duration of legislative councils is one of the matters which will come within the purview of its examination. But in the meantime I am bound to say that it seems to me quite useless to put forward or to discuss a proposal the decision of which does not rest with this Government or the Government of India or any other Government, but only with Parliament itself, and which could not be carried out without an amendment of the present Act of Parliament.

Khan Bahadur Maulvi Fasih-ud-din : I am afraid that the nervousness brought about by the fear that the outside world might think that we are pressing this motion on personal grounds and in order to gain one or two years more for the life of this Council of which we happen to be members has led many of our friends to conjure up in their imagination many matters which I never even dreamt of. I put forward this motion in order to discuss the hollowness of the policy of the Government in fixing the life of the Council at three years. I never hinted that the life of this Council should be prolonged by one or two years more. I never hinted that the life of the coming Council should be extended to five years. But all these motives, I am sorry to say, have been attributed to me.

Pandit Brijnandan Prasad Misra : I never attributed motives to the honourable member.

Khan Bahadur Maulvi Fasih-ud-din : I put my case as clearly and as strongly as I could possibly do, and I hope that the Council will agree with me when I say, and I hope it will excuse me for self-praise, that I spoke at least with all the emphasis at my command, which I could not have done at all, if I had been actuated by any personal or selfish motives. I spoke most sincerely and earnestly in the cause of my brethren in India, in the cause of the political growth of public opinion and in the cause of the political advancement and emancipation of my countrymen.

Sir, I find that my honourable friend, the member for Bulandshahr, put forward only one argument against it which is worth mentioning. He has said that if we are to extend the lifetime of this Council, the Swarajists will be at a great disadvantage. In the first place, I never expected a leading member of the Liberal Party to take up cudgels on behalf of the Swarajists. I put it to him whether his leader, Mr. C. Y. Chintamani, who was undoubtedly one of the most distinguished Ministers that have ever filled that office in India, if the life of the Council had been five years, would not have been in a better position to put all the schemes that he had brought forward in the first Council into practical shape, whether he would not have been able to place the department of Industries on a sounder footing, whether he would not have been able to secure for that department a budget of at least 30 or 40 lakhs instead of the frivolously small sum of 11 lakhs. All these points I place before the House for its consideration.

As to the legal aspect of the question I know that it is in the power of the Governor to extend the term of the Council only by one year and that too under special circumstances. I never meant that the life of this

[Khan Bahadur Maulvi Fasih-ud-din.]

Council should be extended by one year without any rhyme or reason. I also know that the policy of the Act can be changed only by the Parliament, but I think that it is a matter of great importance that the opinion of this Council should be placed before the local Government, the Government of India and the Secretary of State. I fight on principle. I again repeat that this sort of cock-fighting and, for the matter of that, koel-fighting, for both are fierce and both are cruel, should not take place after every alternate year and that a longer time should be given to the Council for doing some sort of substantial work. The Ministers that are appointed have no *locus standi*. They have to spend most of their time in humouring individual members of the Council, and after a short term of three years they have to think of leaving the Council bag and baggage. Is it a fair and practical way of getting work done by this Council? Is it placing them in a suitable and proper position to do something really substantial for their country and for the constituency which they represent? With these few words, I beg to withdraw my motion.

The motion was, by leave of the Council, withdrawn.

Motions Nos. 10 and 11—Not moved.

Motion No. 12.

Bhaya Hanumat Prasad Singh : I move that the demand concerning elections for Indian and Provincial Legislatures at page 40 of the Civil Detailed Estimates be reduced by Rs. 101. In this connexion I have to put before the House some grievances; the first is that electoral rolls are generally prepared with great carelessness and in such a hurried way that innumerable mistakes are found in them.

Hon'ble the President : This subject has already been discussed under head "Stationery and printing."

Mr. E. A. H. Blunt : The provision under discussion is for returning officers and other persons connected with elections.

Bhaya Hanumat Prasad Singh : Then I have nothing to say in the matter and withdraw the motion.

The motion was by leave of the Council, withdrawn.

Motion No. 13—Not moved.

Motion No. 14.

Khan Bahadur Shaikh Masud-uz-Zaman : I move that the demand concerning elections for legislative bodies at page 40 of the Civil Detailed Estimates be reduced by Rs. 10. My object in moving this motion is to place before the House certain grievances and my suggestions in regard to polling stations, which I do not think will be very difficult for the Government to accept. I do not know exactly what is the principle on which the polling stations are fixed. So far as I understand, the general idea is that a polling station should cover an area of four or five miles. In my constituency, namely Jhansi, which is a very important polling station, there is a grievance that two polling stations have been mixed up together and so it is very difficult for the people of the workshop to reach the town on election day. I may not be considered to be starting an election campaign for my personal interest, but

I think it is in fairness to every candidate that a grievance of this kind should be removed. Jhansi town is situated more than four miles away from newly-inhabited places known as Nagra Garhyaphatak, Pullia No. 9 and Sipri bazar. These places are inhabited by workshop employees. In Jhansi town there is a polling station for the town itself for municipal elections and for these newly-inhabited places there is a notified area. So when the Council election time comes the people of the workshops have got to go all the way for three or four miles from these newly-inhabited places to the collectorate where the Council elections take place. We have no right to ask the railway authorities to give them a general holiday as is given on election days to Government servants. But by way of courtesy the railway authorities of Jhansi allow the workshop people to absent themselves from work that day for not more than four hours. Generally the time given is noon time and in the noon time we may take one hour of the interval, with the result that hundreds of voters have to go back, and the voters of these newly-inhabited places are by far in the majority as compared with the electors of Jhansi town, both as regards Hindu as well as Muhammadan constituencies. I have drawn the attention of the district authorities to this and I hoped that by this time this matter would be sympathetically taken into consideration, but unfortunately I have heard nothing and I want to place before the House the suggestion that this polling station of Jhansi may be separated into two, as in the case of district board and municipal board elections, one may be situated between Nagla and Sipri bazar or thereabouts and the other in Jhansi town as usual. With these remarks I commend my motion to the acceptance of the House.

Khan Bahadur Hafiz Hidayat Husain : In reply to a question asked by me in the Council, the Government said that the electoral rolls will be revised shortly under the superintendence of the district officers. I simply want to make a suggestion that the district officers should not confine themselves to taking the lists from the patwaris only, they should also insist on the lambardars and zamindars countersigning these lists.

Hon ble the President : The demand is not for electoral rolls.

Khan Bahadur Hafiz Hidayat Husain : Then I will pass on to another point. I would like to know when will this Council be dissolved and when will the new elections take place.

Dr. Shafa'at Ahmad Khan : I wish to draw the attention of the Government to the need for increasing the number of polling stations. My own constituency—Moradabad—contains three tahsils and the number of polling stations is eighteen. The area of the constituency is fairly large. I found at the last election that a number of voters experienced very great difficulty in recording their votes as they had to travel six or seven miles in the cold weather on a cold day to the polling station. Some times the voters had to go as far as eight miles in order to record their vote. In some cases for one polling station I had to collect five hundred voters in an area of 30 or 40 miles. Honourable members will thus see for themselves how difficult it is for the voters to go 10 or 12 miles to record their vote.

In the first place the ordinary rural voter has no conception of the value of voting, and I have come across a number of voters who asked

[Dr. Shafa'at Ahmad Khan.]

me "why should we go all the way simply to give a vote," which, to them is of no use at all.

In addition to this there is the great difficulty of distance on account of the number of polling stations being so small, especially in rural areas. I had to employ about 150 persons at various places who slept in the villages at night and on the following morning collected the men and took them to the polling station on the date fixed for recording the votes. We can well imagine the condition in larger constituencies, especially in a constituency such as that represented by my friend Hafiz Hidayat Husain, who represents three districts—Fatehpur, Cawnpore and Etawah.

So I would request the Hon'ble the Finance Member to issue directions to the local authorities to increase the number of polling stations in the rural constituencies as well as in the urban constituencies.

Pandit Nanak Chand : When the first Legislative Council elections were going to be held instructions were issued by Kunwar Jagdish Prasad as Reforms officer, wherein it was laid down that the normal distance of a polling station from the villages comprised in a polling station shall not be more than five miles. If this instruction is carried out in practice I think it will solve the difficulty of going long distances to record votes.

There is one other point which I wish to bring to the notice of the Hon'ble the Finance Member and that is that in rural areas polling stations are divided on the ground of urban areas and rural areas. Town areas and notified areas are usually classed as urban areas. Ordinarily these urban area centres have got district board schools located in good buildings and a police station. But unfortunately the presence of these buildings and police stations were not considered an advantage in the case of a number of such areas and in a number of places where these two advantages existed the polling station was confined to a very small number of that particular small town and the voters from the adjoining villages were required to travel long distances to other centres located in the interior of the rural areas. I know, Sir, that there are centres like Khurja in the constituency of my friend Lala Babu Lal and Dibai in my own constituency where the voters of the urban area as well as the voters of rural area come to poll their votes, but I know of a number of other places also where the voters of villages adjoining such urban areas in the mufassil have to go to polling stations located in rural areas. I can cite instances.

Hon'ble the President : Instances may well be left over. The Hon'ble the Finance Member knows the object in view.

Pandit Nanak Chand : Unfortunately in the district which I represent at least on two occasions the absence of these two facilities seriously affected the holding of the elections and the existence of suitable buildings and a police station near by would have very much helped in the carrying on of the elections. I find that Mr. Harper is here, he can bear me out that in the first general election there was a serious riot at Malakpur. Mr. Eastwood, the presiding officer, could not continue the elections up to 4 o'clock. The election had to be discontinued earlier on account of an

unsuitable building which could not stand the rush and on account of the insufficiency of police close at hand. Mr. Eastwood could not control the polling, there was a serious riot resulting in the closure of the poll earlier than it was required which led to an election petition. If the part of the area of this polling station adjoining Anupshahr had been attached to Anupshahr polling station this rush could have been avoided. Then in the first general elections under the new District Boards Act there was another serious riot at Mustafabad Darwa near Shikarpur. If the election had been held at Shikarpur the police would have been able to control the situation. At this election a racing mare was taken away and it has not been traced so far. On these considerations, I think, that these urban polling stations in the rural areas should be utilized to their utmost possibility for the recording of votes of the adjoining villages.

The Council here adjourned for lunch.

After the recess the Deputy President took the Chair.

Hon'ble Sir Samuel O'Donnell : Khan Bahadur Shaikh Masud-uz-Zaman has complained that the polling stations in Jhansi are inconveniently arranged. I am not certain what readjustment precisely he desires, but I will have his remarks brought to the notice of the district officer. Then, Dr. Shafa'at Ahmad Khan complained that in Moradabad the number of polling stations was insufficient. It is, of course, our general aim to provide polling stations in such places and in such numbers as will not involve a journey of more than five-miles on the part of any voter. The difficulty in giving effect to that policy in every case is that the number of returning officers is limited. There are not as many returning officers as we should like to have, and sometimes it is impossible to find sufficient returning officers to enable us to have as many polling stations as would ensure that no voter will have to go more than five miles. However, I will have his remarks also brought to the notice of the District Magistrate of Moradabad. Lastly, Pandit Nanak Chand suggested, I think, that the polling stations in urban areas could be more conveniently utilized for the recording of the votes of rural voters. I am not sure how far that would be practicable. I imagine that the difficulty is that you cannot record more than a certain number of votes at a particular polling station on a particular day. However, the suggestion is one which will certainly be examined. I hope what I have said will satisfy the honourable members concerned.

Rai Bahadur Thakur Hanuman Singh : I would just like to say a few words about polling stations.

It is not only Jhansi, but there are other districts also where polling stations are fewer than they ought to be. As regards the standard of distance laid down by the Hon'ble the Finance Member, I may inform the House that there are polling stations to reach which people have to walk a distance of ten miles and more. On that account the attendance of voters is much smaller than it ought to be. Those who are old cannot take upon themselves to perform a journey of ten miles. Then there is another point which ought to be taken into consideration in fixing the number of polling stations. Even women have now got the franchise and their requirements should be considered first of all, because

[Rai Bahadur Thakur Hanuman Singh.]

they cannot be expected to walk ten miles. There are women who can afford to pay for a conveyance or who have got their own conveyances, but to take up a journey of ten or twelve miles is deterrent for them to go to the polling station.

Then, Sir, there is one thing more which I wish to convey to the Government and it is this that certain gentlemen are appointed polling officers who do not know much of the rules and regulations and when any question arises they find themselves unable to solve it. All those who may be appointed as polling officers should be first examined by the district magistrate before their appointment. On account of their ignorance of the rules the interest of one candidate or the other suffers to a great extent because one is declared elected even if he gets one vote more than his rival candidate.

The Deputy President called on the mover, but he was absent.

Hon'ble Sir Samuel O'Donnell : I have very little to add. Rai Bahadur Thakur Hanuman Singh has said that Moradabad and Jhansi are not the only districts in which the number of polling stations at the last election was inadequate, but he himself has indicated where the difficulty lies. He has pointed out that it is essential that the polling officer should be a person who understands the rules. The difficulty is that the supply of such persons is limited. It is not always possible to obtain polling officers in sufficient numbers to enable us to provide as many polling stations as we should like to. I can only say, however, that we will do all that we can in that respect.

The motion was put and negatived.

Motions Nos. 15, 16, 17, 18 and 21—Not moved.

Motion No. 19.

Rai Bahadur Lala Mathura Prasad Mehrotra : I beg to move that the demand of Rs. 4,40,007 concerning Salaries (General Secretariat) under "22C—General Administration" at page 41 of the Civil Detailed Estimates be reduced by Rs. 12.

By moving this token reduction I want to draw the attention of the Government to the fact that there ought to be at least one more Indian Secretary in the Secretariat of these provinces. By submitting this I do not mean to suggest that I am speaking against any of the Secretaries who are in the Secretariat at present. I have no personal grudge against any of them; they are all friends of mine; but it is as a matter of principle that I put it before the Government so that there ought to be more appointments for Indians as Secretaries.

One Indian Secretary, I mean Kunwar Jagdish Prasad, has proved that he is fit to do as much efficiently as anybody else can do. If his fitness is proved and acknowledged by the Government there should be no reason why this trial should not be extended further and one more Indian Secretary appointed in the Secretariat. I may also in this connexion say that there should be more Indian Deputy Secretaries as well. There is one Indian Deputy Secretary in the Finance department and I remember that the work turned out by him was fittingly appreciated by the Hon'ble the Finance Member and the Finance Secretary on past occasions.

For these reasons I will plead to the Government that the appointment of Indian Secretaries and Deputy Secretaries should be further extended at an early date.

The Deputy President : There is a motion, No. 20, standing in the name of Mr. Saifi.

Mr. Muhammad Aslam Saifi : It touches a different subject altogether.

Rai Bahadur Thakur Hanuman Singh : I rise to give my whole-hearted support to Rai Bahadur Lala Mathura Prasad Mehrotra in conveying his wishes to the Government that the number of Indian Secretaries in the Government should be increased. I find that European civilians are given better chances to learn secretariat work than Indian civilians. I am not going to discuss the appointment of P. C. S. officers to this post, but I will confine myself for the present to the appointment of Indian civilians to the post of Secretary. Sir, it is a well-known fact that any one who gets a chance to work as Secretary of any department gets much better knowledge of the internal working of the Government than one who gets no chance. It is the declared policy of the Government that gradually the services will be Indianized.

Dr. Shafa'at Ahmad Khan : The honourable member is not audible.

The Deputy President : Will the honourable member raise his voice ?

Rai Bahadur Thakur Hanuman Singh : It is a well-known fact that the All-India services are to be Indianized and Indians will be appointed to carry on the work of high offices. Unless they be given an opportunity to know the internal working of the Government they will not be able to acquit themselves so well as European civilians can. It is to my mind very essential that under the Ministers the Secretaries should be Indians. I am not going to mention the advantages of this policy, but I think it will be fruitful in many respects to the better working of the transferred departments. Then, Sir, all those who have proved successful as Secretaries should be sent to the districts and the district officers whose turn it may be according to seniority should be sent to work as Secretaries. It should not be the policy of the Government that, once appointed, a Secretary should continue for years and years to be a Secretary. Owing to the long stay of the officers as Secretaries the chances of those who are on the district work become fewer for learning the internal working of the Government. I think the Government will be graciously pleased to take this matter into its serious consideration. If those appointed as Secretaries are allowed to monopolize these offices they would become out of touch of the district work.

Lala Babu Lal : An objection was raised against admitting more Indians as Secretaries on the ground that the number of Indians in the Indian Civil Service was very small. This argument, I say, does not hold. The only question is whether there are able and fit persons in that cadre who can hold the office of Secretary. I have gone through the Civil List and I find that there are four such persons who are drawing good and high salaries of about Rs. 2,300. One of them was given an officiating chance just some time back and I think that he has established his right to be taken in the Secretariat. I think that there are going to be shortly a few vacancies and I think that the Indian element in the Secretariat should be strengthened especially because it

[Lala Babu Lal.]

was remarked by some eminent Indian politician in the late Imperial Legislative Council that the Secretaries are a little more powerful than the honourable members of Government. That point was also supported by one of the Ministers of the Punjab in his evidence before the Reforms Inquiry Committee that the Secretaries do wield great power. Out of the six members on the Executive Council there are four Indians. Is it not right that the number of Secretaries here should also be at least half, so that the Indian point of view might find proper representation? Then, Sir, I pass on to the question of Deputy Secretaries. Considering this question we find that there are six Deputy Secretaries of whom only one is an Indian. Now, in regard to this question it should first be remembered that this service is not reserved to any kind of special service. It is also open to men of the Provincial Civil Service. Now, Sir, so far as the question of provincial service men is concerned I would first quote from the Lee Report the minute of Sir Reginald Craddock. He says that in the year 1887 the number of listed posts for the Provincial Civil Service officers was fixed at one-sixth of the total cadre of the Indian Civil Service. Now the total number of persons in the Indian Civil Service is 183. If we have one-sixth of this number then we should have 31 listed posts today. But we find that there are twelve listed posts. Now it would appear from this that as far back as 1887 it was accepted by the Government that the Provincial Civil Service could then supply 31 recruits to the listed posts. It was so accepted, Sir, that they were fit and able and they could supply 31. And they could supply recruits then. So the argument that the Provincial Civil Service cannot supply right recruits for posts of Deputy Secretaries does not hold, because even as far back as 1887 they could supply 31 recruits. Therefore I say :—"Cannot three or four persons at least be supplied by the Provincial Civil Service to be made Deputy Secretaries?" After all the work of Deputy Secretaries does not require much better talents than what is required in the listed posts. And even if it were so, even then at least three or four men can be supplied by the Provincial Civil Service. There are, I think, twelve members of the listed posts. Then there are men on the Civil Service cadre, I mean junior Indians. I think we can very well select some three or four persons from that cadre to fill these posts. Sir, the training of Indians by association with Europeans was desired by the joint authors of the Montagu Report. They desired that Indians should be given an opportunity to be trained in executive work by association with their European colleagues, and I say the Secretariat is the proper place where they can learn this, and that is a reason why members of the provincial service should be given posts of Deputy Secretaries. So I have established three points. Firstly that the proportion of Indians being small in the cadre of the Civil Service is not an argument—there are a number of Indians who can be appointed as Secretaries immediately. The second point is that members of the provincial service can also supply recruits for the Deputy Secretaryships, and I say, Sir, if the judicial provincial service can supply Judges for High Court cannot the provincial executive service supply recruits for the posts of Deputy Secretaries? So I hold that every department under Government should have either an Indian Secretary or a Deputy Secretary who is an Indian. And with these words I support this motion whole-heartedly. The few Indians who have

been given appointments in the Secretariat have made a success. This is another reason why this question should be seriously and favourably considered by the Government.

Mr. Muhammad Aslam Saifi: I do not propose to plunge into any details in order to prove the non-official demand for more Indian Secretaries. Sir, the honourable members are aware that this has been one of the old demands of the non-official members which has been made persistently, consistently and insistently on the floor of this House. Time and experience have dispelled all superstition that ever existed in the minds of those who possess authority that Indians are not capable of exercising executive authority. And if there is anything which is truer than anything else it is that Indians are capable of holding their own in the Secretariat line. At present we have only one Secretary and, as all of us know—it is not right for me to make any invidious distinctions, but all of us know that he is a distinction, he is an ornament to the Secretariat. I cannot understand for the life of me, when it was the intention of the Government of India Act of 1919 that more well qualified Indians should be closely associated with the government of their country, why more Secretaries from amongst Indian officers of the Government should not be recruited. With these few words I support this demand which has been made by my honourable friend Mr. Mehrotra.

Dr. Shafa'at Ahmad Khan: I did not intend to take any part in the discussion because discussions are of such a nature that they are sometimes likely to rouse conflict, but the question, Sir, to the Indian members of this Council is a fundamental one, and it is this that Indianization, Sir, not only of the ordinary services, but also of that special preserves, the Secretariat, must go hand in hand with political advance. If there is going to be any instalment of political reform it must be accompanied by, and must be supplemented by an instalment of reform so far as the appointments to the Secretariat are concerned. I raised the point, Sir, regarding the appointment of Indians to the Secretariat two years ago and in the course of the budget discussion the answer that was supplied to me by the Hon'ble the Finance Member was exactly, I may say, the answer that had been supplied by him to other members in the first Council. There has been no variation and I may say Government possess an immense advantage in having done nothing, but I would urge them not to abuse that advantage, I would urge them at least to consider that there are certain important appointments, specially the appointment in the Secretariat which must at least be represented by more than one Indian. We are glad, Sir, that we have got an Indian Secretary in the Secretariat, the bustling, vigorous, omniscient and all-powerful Secretary. We wish we had more Indian Secretaries, if not of that stamp, then of a milder hue in our Council. But, Sir, the pace at which the Government has been proceeding the work that it has been doing so far as the fulfilment of its promises is concerned is to me most disappointing. If the progress of this province, if the progress I may say of India, is to be advanced, it can only be advanced by persons who are acquainted and are completely in touch with the inner working of the governmental machinery, this can be acquired only by persistent, continued and systematic work in the administration, if I may say so, the inner administration of the Government. Now, Sir, I would urge that more Secretaries should be appointed in the Secretariat from among Indians. I would

[Dr. Shafa'at Ahmad Khan.]

draw the attention of the Council to the rumour that the Government is going to appoint a Secretary for the Public Works department, and the posts of Chief Engineer and Secretary to the Public Works department are going to be separated, I understand that one Secretary is going to be appointed specially for the Public Works department. If that is so, I hope the Government will take into consideration the real claims, claims that have been ignored, of the Indian members of the Indian Civil Service, and I hope that this time at least after repeated demands they will pay attention to our request. Sir, the Government cry has always been that their criterion is efficiency, that they choose the best men for the particular work. I can quite understand that the Government can never relish the new moon out of respect for that venerable institution, the old moon. They have been so completely tied down and hide bound by routine, by tradition and by vested interests that they cannot contemplate the appointment of another Indian to an important place like a Secretariat appointment. Sir, I would urge with all the emphasis at my command that the claims of Indians should be given careful consideration, and more Indians should be appointed as Deputy Secretaries and Secretaries to the various departments.

Rai Bahadur Thakur Mashal Singh : I need not repeat the arguments that have been advanced by several members of the House. I will simply invite the attention of Government to one fact, and it is this, that the functions of two posts should not be combined in one and the same person. There are cases where the Deputy Secretary is also the head of a department. For instance, in the Education department, the Director of Public Instruction is also the Deputy Secretary in that department. In the capacity of the head of the department he makes a proposal and forwards it to the Hon'ble Minister, and in the capacity of Deputy Secretary he writes a note on it. Thus one side of the shield is presented to the Hon'ble Minister; the other side is never exhibited to him. So it is absolutely necessary in the interests of the transferred departments that the Deputy Secretary or the Secretary must be an Indian so that he may put before the Hon'ble Minister the Indian point of view on every question. I can give concrete examples of the defects of this system, but I refrain from doing this, and I hope that Government will give due consideration to the suggestion that has been made by several members which I support whole-heartedly.

Hon'ble Sir Samuel O'Donnell : When this question was raised three years ago, in 1923, I explained to the Council what the policy of the Government was in this matter. I pointed out that Secretariat appointments are appointments demanding special qualifications, qualifications not possessed by all officers. I said that Government must retain the right of selecting the officer who in their opinion was best qualified for the post. I also pointed out that owing to the system of recruitment for the Indian Civil Service, which was pursued in the past—a system of recruitment which, as I have said more than once, I think was mistaken—the number of fair by senior Indians in the Indian Civil Service was at present small and that that fact was bound for some time to affect the number of Indians holding posts in the Secretariat. At the same time, I undertook, that whenever a vacancy occurred, we would give the fullest and fairest consideration to the claims of Indian officers eligible for that vacancy.

And I claim that that is exactly what we have done. Since I spoke in 1923 we have appointed three Indians to Secretariat appointments. One officer has been appointed Joint Secretary in the Irrigation department, and another officer has been appointed Secretary to the Board of Revenue; and a third Indian officer has been appointed Deputy Secretary in the Finance department. As time goes on and as the number of Indians in the senior ranks of the Indian Civil Service increases, as of course it will increase, I have no doubt that the number of Indian officers holding Secretariat appointments will also increase. If however, the suggestion is made and some of the remarks made by some honourable members seem to be very nearly equivalent to such a suggestion—if the suggestion is made that appointments in the Secretariat ought to be made on racial grounds, then I differ. I do not think that race is a factor which ought to be taken into account; I do not believe that it has ever been taken into account; it certainly has not been taken into account by the present Government. All that the Indian officers in the Indian Civil Service can ask or I am sure would ask is that their claims should receive exactly the same consideration as those of European officers in the service. And whenever a vacancy has occurred such consideration they have received. The fact that during the past three years we have appointed three Indian officers to important Secretariat appointments is, I think, a clear proof that we do extend to them precisely the same consideration as we extend to the European officers of the service.

Pandit Nanak Chand : I had no intention of speaking on this motion, but the remarks that have fallen from my friend, the Hon'ble the Finance Member, have induced me to say a few words. He has been pleased to remark that in making appointments to these posts of Secretary and Deputy Secretary he does not take racial consideration into account, and that he gives exactly the same consideration to the claims of Indian officers as he does to those of European officers. I accept this statement to be true. But as an Indian I want him to show favourable consideration to the cases of competent Indian officers, not on racial grounds, but on account of the imperative need for making them acquainted with the working of the Government. Sir, if the number of Indians in the Secretariat had been adequate, I should not have thought it necessary to bring to the notice of the Government the question of according preferential treatment to Indians. The present situation requires that a larger number of Indians should be placed in these responsible posts, more so, as the element of Europeans already preponderates in the Secretariat.

Khan Bahadur Maulvi Fasih-ud-din : Like my friend, Pandit Nanak Chand, I did not intend to take part in the debate, but the turn which it has taken induces me to have my say in a few words. I quite agree with the Hon'ble the Finance Member when he says that the Secretariat work demands a special kind of officers, and for that reason there should be no racial question in connexion with appointments in the Secretariat. But while admitting the force of this argument, I wish to point out that if the claims of Indian I. O. S. officers may not be considered because they happen to be Indians, the claims of the provincial services at least should be taken into consideration. The I. O. S. service can take care of itself, and the one Indian I. O. S. representative on the Secretariat has proved himself to be head and shoulders above some of his compeers. He is really the lion of the Secretariat, and no one can now say that an

[Khan Bahadur Maulvi Fasih-ud-din.]

Indian I. C. S. officer cannot satisfactorily hold charge of the highest appointment in the Secretariat. But what about the provincial services? At present there are two representatives of that service in the Secretariat. One is Deputy Secretary in the Finance department and the other is Under Secretary in the Local Self-Government department. I submit that both these officers, so far as public opinion is concerned, have justified their selection; especially the officer who works successfully in such a difficult department as Finance is deserving of our best commendation. When a deputy collector can work successfully in a department like Finance without getting any previous training in finance work and without having passed any special examination, but with his experience and general ability, there is absolutely no reason why more trials of this kind be not made and why provincial service officers be not appointed as Secretaries and on more responsible posts.

Rai Bahadur Lala Mathura Prasad Mehrotra : I am thankful to the Hon'ble the Finance Member for what he has said and I know that he wants to do justice in this matter. But I would request him to be not only just but a little lenient. The policy underlying the Reform Act is to give autonomy to the provinces, and unless Indians are trained in the work of the Secretariat how can they be expected to carry on administration efficiently. I therefore request him to show greater consideration in the appointment of Secretaries and Deputy Secretaries in the Secretariat to the claims of Indians.

Hon'ble Sir Samuel O'Donnell : I have very little to add to what I said before. Pandit Nanak Chand has definitely suggested that preference should be shown to Indians in making appointments to the Secretariat simply on the ground that they are Indians. In my opinion, Sir, that would be to introduce a discrimination which would be unjust, invidious and impolitic. It is the accepted policy that the proportion of Indians in the All-India Services should be increased; very substantial steps are being taken now in pursuance of that policy, and the carrying out of that policy is of course bound in time to increase the number of Indians holding Secretariat appointments. But when it is suggested that, within a service, appointments should be given not on the ground of merits, but partly at any rate on the ground of race, I must demur. If that argument is to be applied to such appointments as the Secretariat appointments, there is no reason why it should not be applied all along the line, to appointments of heads of departments, to appointments of Commissioners, to appointments of High Court Judges, etc. I think a policy of that kind would be fatal to any service. What can be claimed is that when appointments are made from a service the claims of every person in that service should receive just and fair consideration and that is exactly what we have endeavoured to do on every occasion.

Khan Bahadur Maulvi Fasih-ud-din has referred to the provincial service. So far as the posts of the Secretaries are concerned, at present the only officers in the provincial service who are eligible for such appointments are those who are holding listed posts and their number is small, that will be remedied in accordance with the recommendations of the Lee Commission. The other Secretariat posts which are open

to the Provincial Service are those of Deputy Secretaries and Under Secretaries and two officers belonging to the Provincial Service have been appointed to such posts, a fact which is a clear indication that we do give fair consideration to their claims in making selections.

The motion was put and the Council divided as follows:—

Ayes (32).

Babu Kishan Lal.
Babu Jai Narayan Chaudhri.
Rai Sahib Lala Jagdish Prasad.
Rai Sahib Chaudhri Sheoraj Singh.
Pandit Nanak Chaud.
Lala Babu Lal.
Rai Bahadur Babu Ram Nath Bhargava.
Rai Sahib Munshi Amba Prasad.
Rao Sahib Kunwar Sardar Singh.
Pandit Brijnandan Prasad Misra.
Lieut. Raja Durga Narayan Singh.
Raja Narayan Pratap Singh.
Raja Sri Krishna Dutt Dube.
Rai Sahib Babu Dip Narayan Roy.
Rai Bahadur Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.

Pandit Bajjnath Misra.
Rai Bahadur Thakur Mashai Singh
Kunwar Krishna Pratap Singh.
Kunwar Surendra Pratap Sahi.
Mr. Muhammad Aslam Saifi.
Rao Sahib Abdul Hameed Khan.
Lieut. Nawab Jamshed Ali Khan.
Mr. Muhammad Ismail Ali Khan.
Maulvi Muhammad Obaid-ur-Rakman Khan.
Dr. Zia-ud-din Ahmad.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Shaikh Masud-uz-Zaman.
Dr. Shafa'at Ahmad Khan.
Khan Bahadur Maulvi Fasih-ud-din.
Lala Bohari Lal.
Rai Bahadur Lala Mathura Prasad Mehrotra

Noes (25).

Hon'ble Sir Samuel O'Donnell.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Hon'ble Rai Rajeshwar Bali.
Hon'ble Thakur Rajendra Singh.
Hon'ble Nawab Muhammad Yusuf.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. B. D'O. Darley.
Mr. H. A. Lane.
Mr. K. G. Harper.

Mr. R. Burn.
Mr. A. W. Pim.
Mr. B. J. K. Hallowes.
Mr. C. M. King.
Mr. H. G. Billson.
Mr. R. J. S. Dodd.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Mr. H. C. Desanges.
Mr. H. David.
Babu Khem Chand.
Saiyid Muhammad Ashiq Husain.

The motion was accordingly adopted.

Motion No. 20.

Mr. Muhammad Aslam Saifi: I move that the demand of Rs. 2,05,500 concerning salaries under "General Secretariat" at page 41 of the Civil Detailed Estimates be reduced by Rs. 7. Under the present circumstances, Sir, one is bound to select such a number which might act as somewhat of a charm. I have therefore selected 7. My object in moving this motion is to invite the attention of the Hon'ble Minister in charge of the Local Self-Government department, by this I mean the Hon'ble Minister who was, up to January 13, 1926, in charge of that department, and also of the Hon'ble Nawab Muhammad Yusuf Sahib to a certain matter. This out of mine will therefore have no reference to the Secretary or the Under Secretary of the Local Self-Government department. The first point that I wish to bring to his or, better still, their notice is the desirability of revising or overhauling the Municipalities Act, II of 1916. The House is aware that a resolution on the subject was moved last year. There were two parts of that resolution.

The Deputy President : If the honourable member, by moving his motion, wishes to discuss the desirability of amending the Municipalities Act, II of 1916, I am afraid he is entirely out of order.

Mr. Muhammad Aslam Saifi : I have then nothing more to say.

The motion was, by leave of the Council, withdrawn.

Motion No. 22.

Khan Bahadur Maulvi Fasih-ud-din : I move that the demand of Rs. 18,000 concerning travelling allowance at page 41 of the Civil Detailed Estimates be reduced by Re. 1. I find that owing to the pinch caused by high prices and increased cost of living, the salaries of Government servants of nearly all the departments have been increased by leaps and bounds. Not only this, but many classes of servants who never dreamt of getting a time-scale pay have after all got it. But the officer who seems to be in charge of the department of travelling allowance seems to me to be living in the nineteenth century, as, instead of increasing the allowances of low-paid servants, he has decreased them considerably. In other words, the limit of Rs. 500 and over which was prescribed for entitling a person to get a first class allowance has been raised to Rs. 650. I think this is very unfair and unjust, and the old rule of first class allowance to be based on the pay of Rs. 500 and over should be followed. I understand that this is the case in the Punjab and there is absolutely no reason why it should not be followed in these provinces. It may be argued that the rate of daily allowance has been increased in some cases, and that there has been a re-shuffling of the various grades of the allowances. But on the whole I think the present arrangement is very unsatisfactory and causes great loss to Government servants, especially in the case of railway fares and also in the case of daily allowance. I absolutely see no reason why a Government servant getting Rs. 500 and over should not get first class allowance as defined by the present rule. I think it is in the fitness of things to amend the present rule and introduce the old rule.

Mr. E. A. H. Blunt : The argument of the honourable member is more specious in my opinion than convincing. What you have to remember is that the person who formerly drew Rs. 500 now draws Rs. 650, and the person who is now drawing Rs. 500 was previously drawing probably about Rs. 350. When he drew Rs. 350 he was a second class officer and drew second class rates of travelling allowance. Why, when he has had his pay increased to Rs. 500, should he suddenly draw first class travelling allowance? He is precisely the same person, he has not altered in the slightest degree, he is exactly as he was before and he travels in precisely the same style; so why on earth give him more travelling allowance than he formerly drew?

I may also point out that it is not a question which would affect only the people of the first class. If we adopted the honourable member's suggestion we should have to apply it generally, and then third class officers would become second class and fourth class would become third. Why should everybody get more travelling allowance than they ever drew before in their life, just because their pay has been increased? This means benefit in two ways, benefit in pay and also in travelling allowance.

As to the daily allowances, to the best of my knowledge they have all been raised. The lowest class has been raised by 50 per cent.; the rest as much as we can afford. As to the railway fares, we have only followed the lead of the Government of India. Officers used to be given two fares of the class to which they were entitled; the second of these fares was supposed to cover their incidental expenses on the journey. Railway fares were then raised by, I think, 25 per cent. We accordingly reduced the second fare to three-fifths of a fare, which is approximately equivalent to the old first class fare; that was perfectly fair. The incidental expenditure on coolies, baggage and the rest of it, had not increased; why therefore give more money for incidental expenses than was given before? This rule of one and three-fifths has been carried out throughout India. It is the Government of India who set the example and we merely followed it.

Pandit Nanak Chand: I want to make an inquiry. Are there not some officers who used to draw first class allowances before the introduction of the new rules who are now drawing allowances as second class officers? For example, are there not cases of officers who were classed as first class officers before the introduction of this rule; they were getting Rs. 500 or Rs. 550, but now as they are getting less than Rs. 650, they are now required to draw second class officers' travelling allowance?

Mr. E. A. H. Blunt: I think what my honourable friend is referring to is another change that we made in the rule. Under the old rule an officer could draw all through his service the travelling allowance applicable to the highest possible pay that he could reach in his time-scale; for example if his time-scale begins at Rs. 300 and reaches Rs. 1,200, he would be a first class officer all through his service. We did not see the force of that rule; and we altered it in such a way that the officer draws the travelling allowance which happened to conform to his pay at the particular moment. So that it is possibly true that some officers who were formerly classed in the first class under the old rules have been put in the second class under this new rule, but only temporarily. As soon as they rise sufficiently high in their time-scale, they will become first class officers again. That change is not only a measure of economy, it seems to me to be a mere matter of common sense.

Khan Bahadur Maulvi Fasih-ud-din: The Hon'ble the Finance Secretary has just said that my argument is more specious than convincing. I should like to retort by saying that I am not at all convinced by the force of the logic that he has placed before us. It practically comes to this, that because a railway train has got a better speed than a tortoise, therefore it does not follow that both the tortoise and the railway train should not reach at one point at one and the same time. There is absolutely no reason why when the pay of an officer has been increased his travelling allowance should remain stationary, and that he should not benefit in two ways. I think that the ground for increasing the pay was increased cost of living and the high prices that prevailed. The same ground applies in the case of allowances, because the expenses connected with travelling allowance have increased, for instance the hotel charges, and so on. So I see absolutely no reason why the allowances should remain stationary

[Khan Bahadur Maulvi Fasih-ud-din.]

while the pay should be allowed to increase. The allowance is only a temporary thing, as Mr. Blunt says, and it is all the more reason for increasing the allowance. I think that the case I have put before you is very strong and I hope this honourable House will give me support, especially when I find that in the Punjab they have kept the minimum pay of Rs. 500 for first class allowances.

Hon'ble Sir Samuel O'Donnell: I have nothing more to add to what Mr. Blunt has said, but there is one point at any rate which, I think, the Council should clearly understand and it is this. With the acceptance of this proposal, there will be a great increase in the expenditure and in the present state of our finances it is really quite impossible to do so.

The motion was put and the Council divided as below:—

Ayes (22).

Babu Kishan Lal.
Babu Jai Narayan Chaudhri.
Pandit Nanak Chand.
Lala Bahu Lal.
Rai Sahib Munshi Amba Prasad.
Rao Sahib Kunwar Sardar Singh.
Pandit Brijnandan Prasad Misra.
Lieut. Raja Durga Narayan Singh.
Raja Narayan Pratap Singh.
Rai Bahadur Thakur Hanuman Singh.
Rai Bahadur Thakur Mashal Singh.

Kunwar Krishna Pratap Singh.
Kunwar Surendra Pratap Sahi.
Mr. Muhammad Aslam Saifi.
Dr. Zia-ud-din Ahmad.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Shaikh Masud-uz-Zaman.
Dr. Shafa'at Ahmad Khan.
Saiyid Muhammad Ashiq Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Bahadur/Hakim Mahbub Ali Khan.
Raja Shambhu Dayal.

Noes (24).

Hon'ble Sir Samuel O'Donnell.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Hon'ble Rai Rajeshwar Bali.
Hon'ble Thakur Rajendra Singh.
Hon'ble Nawab Muhammad Yusuf.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. B. D'O. Darley.
Mr. H. A. Lane.
Mr. K. G. Harper.

Mr. R. Burn.
Mr. A. W. Pim.
Mr. B. J. K. Hallows.
Mr. C. M. King.
Mr. H. G. Billson.
Mr. R. J. S. Dodd.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Mr. H. C. Dosanges.
Mr. H. David.
Babu Khem Chand.

The motion was accordingly negatived.

Motions Nos. 23 to 26—Not moved.

Motion No. 27.

Rai Bahadur Thakur Hanuman Singh: I rise to move that the demand of Rs. 37,688 concerning total, Courts of Wards department at page 42 of the Civil Detailed Estimates be reduced by Rs. 10. At the outset I desire to congratulate the Court of Wards department on behalf of the zamindar community for its help in the protection of several encumbered estates and for taking upon itself the responsibility of managing those estates whose owners were or are minors or incapable of managing their property. The Court of Wards has done a service to the zamindar community for which they cannot be too grateful. Then, Sir, I desire to comment upon certain matters in connexion with the management of the Court of Wards and I hope the Hon'ble Mr. Burn will

take note of them and try to give effect to them whenever he may find the criticism reasonable and useful. Sir, firstly, I have to say that the Court of Wards takes a very long time in coming to a decision whether a certain estate should or should not be taken under Court of Wards. When the district officers make their recommendations to the Court of Wards, the Court of Wards takes a very very long time in making inquiries and coming to a conclusion one way or the other. In the meantime the amount of debt goes on increasing and increasing. There have been instances in which the Court of Wards took more than three years to come to a final decision. This delay goes very much against the interests of the estate which is reported by the district officer to be fit to be taken under the management of the Court of Wards. I now come to the question of maintenance and education of wards. No doubt, the Court of Wards grants allowances to wards according to the income of their estates, but the treatment which is accorded to them by Special Managers and other Court of Wards underlings is anything but desirable. The wishes of wards as regards conveyances and other domestic matters are not respected and on account of this they have to undergo much inconvenience and discomfort. Cases are not few in which the wishes of wards are treated with contempt even. This humiliation is very much felt by them. This is a grievance which exists for a very long time and I hope the Court of Wards will now see its way to remove it. Then, the education of wards is not such as may befit them to be good managers of their estates after attaining majority. In the first place Sir, I would like to point out that the appointment of Europeans as guardians and tutors for minor wards is very injurious to the wards themselves. After attaining majority the wards have to live among their tenants, but as they come to them after having been educated for a long time under European tutors, their sympathies towards their tenants do not remain the same as a landlord ought to have. They are to a very large extent anglicized and like to live in rooms well decorated and well furnished, where the poor tenant cannot approach them. This sort of thing in a landlord is to my mind very injurious. At the same time, Sir, there is another thing in this respect which I wish to point out. European tutors do not teach their wards in the same way as they would have done children of their own race. The idea of inferiority is put into their minds which lasts throughout their lives. Anyone who knows how European guardians treat their wards will bear testimony to what I say and I say that the Court of Wards purchases furniture for the wards and that furniture is used by the guardian tutor and the wards are not allowed to make a full use of it.

(At this stage the Hon'ble the President took the Chair.)

Then, Sir, I come to the education of the girls. There is a report for the year ending September, 1923, in my hand. In it I find that the sister of the ward of Sahaspur-Bilari is being educated at the Loretto Convent. I do not know much about Loretto Convent, but I think it must be a Christian institution. A Hindu girl, educated in a Christian institution, cannot be a good housewife in a Hindu family. This is simply preposterous. It will be very difficult for the Court of Wards to find a bridegroom for her with whom she could pull on with as much love and affection as husband and wife ought to. Then I find that our girls are put under the charge of European governesses. What do the European governesses know of Indian customs and manners? How can they train our

[Rai Bahadur Thakur Hanuman Singh.]

daughters to be good wives and mothers, is a thing to be decided by the Government and this House. This practice which is prevalent is very objectionable and it should be removed at any cost. We do not want that European governesses should be put in charge of our daughters to educate them. Our daughters should learn either Urdu, Persian, Sanskrit, or Hindi, and English also if they have time, but they should not be taught only English and Hindi and Sanskrit and Persian as their second language.

Governesses are appointed to minor boys also. Well, to that I have no great objection; but there should be a rule that after ten the boys should be removed from their tutelage and placed under the charge of Indian tutors who may teach them to be good and sympathetic landlords, to be good managers. I do not know how a European who since his coming to India remains aloof from Indians can teach a landlord to be a good landlord. Here I would mention an instance that the sister of the Raja of Payagpur is being taught by and is living under the guardianship of one Miss English. How can it be expected that Miss English will train her to be a Hindu lady and to be a wife according to the Hindu Shastras? It is impossible for an English lady to do it.

Then, Sir, the Maharaja of Balrampur has attained the age of 12 or thereabouts. He is under a governess. He hardly knows Urdu or Hindi and I do not know whether he has been taught to read and write simple English. Of course he can speak a little because he has been in the hands of that governess. Well, anyone without being taught can learn a little smattering of English but that is not English. The Maharaja of Balrampur has got no boy companion. He is made to live with the elders. I do not know what bad effect it must be having on his health and on his intelligence. He should have a number of boys coming from respectable families with him so that he may enjoy for an hour or two or for more time liberty which every boy or every child wants to have for the improvement of his health and for his recreation. Whenever I see him, he is in the company of elders—whether at home, riding out or walking out. It is a matter of very great regret, Sir, that his mother is dead and whenever he may now be going inside the zenana, he must be feeling very much her absence. This is the sort of education which is being imparted to a Maharaja who has got an estate the equal of which cannot be found in the United Provinces or in the neighbouring provinces.

Then, Sir, I would like to draw the attention of the House to a sentence in the resolution which was passed by the Government on the report of the Court of Wards ending September 30, 1923. It runs thus :—

“Except in the case of estates owned by businessmen, the Governor in Council thinks it inexpedient to hand over the large balance in cash or securities to the ward. Such balances are a temptation to extravagant expenditure, and lead sooner or later to the contracting of debts. In the long run the interest of the ward is better served by investing annually the available surplus on improvements which add permanently to the value of the estate and the prosperity of the tenantry.”

Sir, there can be no objection to investing the savings on improvements in the estate; but what are these improvements? These

improvements are the construction of a number of buildings, the construction of roads, and the construction of wells. Some of them may have a permanent value, but, as the constructions are carried out, I may say that a large portion of the money is wasted on them. The buildings are never so strong and durable as one can expect if constructed and built under proper and more efficient supervision. The money which is in this way diverted does not go to the owner of the estate after the release of his estate. If the Government fears that the ward would get into debt if he would get the money, then it should not release the estate because if the ward goes astray he can sell his estate and use the money in any way he likes and nobody can prevent him. I see no reason why the money which is saved should not be handed over to the ward after the release of his estate?

Now, I turn to agriculture and demonstration farms. From the report I find that these farms are not paying. They are a loss to the estate and they are a sort of great discouragement to the spread of improved methods of agriculture. In the report I find that the Balrampur farm was run in 1923 at a loss of more than Rs. 9,000 and this farm is under one Mr. Jitani, who has English qualifications. When the farm is under the supervision of such an efficient officer and is being run at a loss, how can any other farm be expected to yield any profit? This is a question to which the attention of the Court of Wards should be directed.

Now, on the education of the tenants the Court of Wards is spending annually more than a lakh of rupees and it is spent as contribution to the primary schools and to other schools. Well, where there is no Court of Wards estate there are primary schools—why should the Court of Wards contribute towards the maintenance of these schools? The amount which is spent on contribution to the schools should be spent on scholarships to the sons of the tenantry so that they may go and learn technical knowledge or some other profitable profession which may be more beneficial than the passing of upper primary or final vernacular examination.

Sanitation and medical aid to the tenantry. On this, too, a large sum amounting to over a lakh of rupees is spent. But I do not think it is spent in such a way as to be beneficial to the tenantry. Unless there be dispensaries the medical aid cannot be considered to be satisfactory. If the Court of Wards takes upon itself to establish in big estates branch dispensaries managed by itself or through the district boards I think those dispensaries would be a boon to those people living in those localities.

Well, Sir, the Court of Wards has got under its estates yielding about Rs. 1,36,00,000 of rent. The amount of work is to be done by the Court of Wards, one member out of two members cannot be expected to manage the Court of Wards estate when there is so much to do for them, in spite of all their labour and industry unless a third member or officer of equal status be appointed to be in sole charge of the Court of Wards; and he be given a number of assistants to assist him, the efficiency of that department cannot improve. One cannot expect one man, however capable and industrious, to accomplish all this.

Hon'ble the President: I hope the honourable member will come to a close now.

Rai Bahadur Thakur Hanuman Singh: Very soon, Sir. Then I would invite the attention of the Court of Wards to settlement of estates under the Oudh Settled Estates Act at the time of release of the estate. The Court of Wards Act is to be amended, and in that amended Act it should be provided that the estate should be settled before it is handed over to the wards at the time of release. Then, Sir, I would request the Court of Wards to keep a list of the members of the zamindar families to be employed under the Court of Wards according to their fitness and education. The Court of Wards may have a competitive examination of these candidates so that if the Government cannot give sufficient posts to the zamindar community they would find sufficient employment in their own estates. There is no reason why outsiders should be brought in to manage the Court of Wards estates when candidates can be found in large numbers in the zamindar community itself. Now I come to managers. The managers if they happen to be of some other religion than the ward then there are always differences, so as far as possible the managers selected to manage a certain estate should be of the same religion and race as the owner of the estate. There is no reason why European managers should be appointed to manage the Court of Wards estates when there are able men in the zamindar community to take charge of the management of the estates.

Pandit Nanak Chand: The motion which I had intended to move was intended to cover two points. One of these points has already been dealt with at considerable length by the mover of motion about the proper education of these wards under the charge of the Court of Wards. The other point that I wanted to bring to the notice of the Government is the unnecessary interference which I have noticed on behalf of the Court of Wards in the domestic affairs of major wards who have placed their estates under the management of the Court of Wards. I know of one case and I feel that the Court of Wards higher authorities were led away by the whims and caprices of the local officials. And the protests and representations of the wards were not given that sympathetic attention which they deserved. I do not want to refer to those specific cases here, but if Mr. Burn would feel interested to look at them I will point out the cases to him.

Khan Bahadur Shaikh Masud-uz-Zaman: In this connexion I wish to bring to the notice of the Government a very ordinary grievance, a very common grievance, that is felt particularly in Oudh, and in Agra as well, and that is this, that the relatives, competent relatives, of the wards are not given any chance of appointment in that estate. I think in all fairness first preference should be given to relatives of the taluqdars. They are not only competent, most of them are quite fit to be special managers, or to be sarbarakars in the estate, but it is quite natural also that their interest and sympathetic service would be better than that of strangers. And quite apart from this, they are dependent more or less on the taluqdar. If the estate comes under the Court of Wards in the ordinary way and they are not employed, naturally they think that they have lost their natural claims and strangers are preferred to them.

The next point is this, about the estate of a pirzada in Gorakhpur. I do not know the exact affairs of that estate, but from the facts that have come to my knowledge the estate is, under some order of the district magistrate, under the Court of Wards, and the special manager who has

been appointed there is said to be a really incompetent man. I cite this instance simply because that ward has got many competent relatives and those relatives are not even given an opportunity to work in that estate, but a stranger has been appointed under some orders of the district magistrate or district judge. In any case, the grievance, in Oudh particularly, is general, as the claims of the relatives of taluqdars who are dependent on the estate and who would otherwise have been looked after by the taluqdar or who would have got appointments in the estate their claims are not considered at all by the Court of Wards. That is the point of view that I wish to put before the House.

Lieut. Raja Durga Narayan Singh: I am glad that my friend sitting on my right has discussed all the important points relating to the administration of the Court of Wards. But, Sir, there are a few more points which I want to lay before this House for its consideration. In some cases, proper attention is not paid to the education of the wards. I mean that for some wards a dozen teachers are provided, but for some of them no teacher is provided. The provision of a dozen teachers for a ward cannot, in my opinion, do any good to him, because he can not get time to think for himself and will not be able to keep his mind free. So I suggest that where there are a number of teachers they should be reduced to two or one. The boy ought to get some time to think for himself. He should get some opportunity to play and enjoy in the garden. I do not wish to give a concrete example. The Court of Wards department must have understood what case I am referring to.

I find, Sir, that European guardians are attached to some of the wards. I do not say that a European guardian is not good for an Indian boy; but this much I will say that he cannot train the mind of the ward to the extent and on the lines we wish. His mind should acquire a religious bent. One day he will have to manage his big estate and he will have to take care of a numerous tenantry. So, he should naturally be trained to consider every person of his estate to be the son of the soil and not otherwise. I will not emphasize this point further, because this has been discussed for two years, but the Court of Wards has paid little heed to the suggestions made in those discussions. In the Court of Wards estates sometimes European governesses are attached to girls. I submit that this is not proper, because the European governesses are not at all suited to Indian girls. Moreover, when the girls are married, they find themselves miserable, as they have to observe all Indian customs. So, the girls should be trained in a manner that might prove most congenial to them in life and not in a European style.

As the Council knows, the Raja of Partapner breathed his last about one and a half years ago. His estate, owing to a certain dispute between the Raja's mother and his wife, has come under the Court of Wards. In this connexion I wish merely to submit that unless the Government intervenes and gets a compromise effected between the two contending parties, the estate would be completely ruined. The estate is under a heavy debt of about four lakhs. In the circumstances I trust the Government will try its utmost to save the Partapner estate from ruin.

In certain cases I have found that the special managers do not treat their wards sympathetically. Sometimes they deny them the privileges which they are entitled to. Similarly, some of the district magistrates

[Lieut. Raja Durga Narayan Singh.]

do not treat their wards as they ought to. I hope the Government will take steps to see that the district magistrates, who act as guardians, treat their wards with the utmost consideration possible.

I am thankful to the Government for having established a Court of Wards advisory committee, but unfortunately it has no legs to stand upon. What I beg to submit is that the committee is completely devoid of power, and until it has that element of responsibility in it, the Council will realize that it can do no substantial good. I hope the Court of Wards department will take this point seriously into consideration also.

These are, Sir, all the remarks that I have to make on the present motion.

Rai Bahadur Thakur Mashal Singh: Nearly all the points have been dealt with by previous speakers. As regards the education of wards, it has been said that European tutors should not be appointed. I am of opinion that there is no harm in appointing them so far as education goes, but I differ when it is said that the wards should be brought up under the supervision of European guardians. Guardians should be Indians; not only Indians but they should be of the same creed and religion to which the wards belong. If a Muhammadan boy be put under the charge of a Hindu or a Christian, he cannot learn the customs and rituals of his own creed. For the same reason a Hindu ward should not be put under a Muhammadan or a Christian guardian. Further, I have seen several instances where marriages of minor girls have been performed without the consent of their relatives and only on the recommendation of tahsildars and with the consent of Deputy Commissioners and Commissioners. Recently I heard that the estate of a Rani, who is 18 or 19 years old, has come under the management of the Court of Wards and a manager has been appointed who does not belong to her religion. Such instances create bitter feelings, and the wards themselves are put to much inconvenience and difficulty. When girls are under the superintendence of the Court of Wards, care should be taken by the department that they are not educated and brought up by European ladies.

As regards the two points which were urged by the mover of the motion in regard to the contribution for primary education and sanitation and medical aid to tenants, I think that if an estate is in affluent circumstances and it can afford to give education to tenants and can spare money to improve the sanitation of the villages which it possesses, certainly there should be no objection to its doing so. But so far as the estates under the Court of Wards are concerned, the principle should be the same for all the estates. This should not happen that while one estate contributes towards such objects another does not do so.

Then I know from personal experience that managers of estates try their best to spend the balances of estates on works of so-called improvements, simply with a view to keep them as long as possible under the management of the Court of Wards. Recently a case has come to my notice where the house of a ward was sold for a price less than what the ward himself was offering for it. The ward had leased a village for Rs. 14,000 per annum and he took sufficient security from the lessee by means of a registered document; but the lease money has

been reduced to Rs. 6,000 by the Court of Wards and the lease has been cancelled. Thus the estate has been put to a loss of Rs. 80,000, the original term of the lease being ten years.

Recently I have heard of some cases in which arms of the wards have been taken away by the Deputy Commissioner, their private farms have been attached, and crops have not been allowed to be reaped by the wards. There are also cases in which old servants are dismissed and new ones are appointed. These cases occur and complaints are received. I cannot say that no heed is paid to them, because the Hon'ble Member of the Board of Revenue is always vigilant and takes into consideration all the complaints that are received from the wards. But still I think that more care is necessary to bring matters up to the mark. The Court of Wards Act is to be amended, and I think a committee was appointed to consider the whole Act. That committee submitted its report long ago. I do not know what has since been done. I hope that it will soon be brought before the Council and passed. There are many improvements which have been suggested in the draft Bill, and if it is passed the grievances which have been mentioned today by several speakers will be remedied to a great extent.

There is one more point which has not been brought out by any member of the Council, namely improvement in the Court of Wards' service. Posts under the Court of Wards are not pensionable, and so it is difficult to get the right type of men. Men are recruited; stick to the post for some times and then they give it up. If therefore some permanency is given to the service and some scheme is introduced by which there should be some provision for the future life of persons employed, matters can be improved a good deal. In some districts, where the special scheme of management prevails, it has been found that the ordinary scheme also exists. Where the special scheme exists, I think there should be no other sort of scheme of management such as direct supervision by the deputy commissioner of the district. I find that in Sultanpur, though there is a special manager for all the estates under the management of the Court of Wards in that district, an estate which has recently been taken under the superintendence of the Court of Wards has been put under the charge of the Deputy Commissioner of that place. This should not have been done, because, with the exception of Gonda, where the extensive property of the Balrampur estate is situated, there is no other district in which both kinds of managements are in vogue. With these words I commend the motion of Rai Bahadur Thakur Hanuman Singh to the acceptance of the House.

Mr. R. Burn : First of all, I must express my thanks to the honourable mover of this motion and to some of the speakers who have followed him for their recognition of the services of the Court of Wards' staff. I am sure that they will be very much appreciated in the districts, and the recognition comes with greater strength from a member of a land-owning family like the honourable mover and one who has himself done long service as manager in a very difficult estate. After these praises, he has made criticism which is also welcome. No administration can thrive without well-informed criticism. His first remarks were that the Court of Wards sometimes delays too long before it makes up its mind whether it will take over the charge of an estate and in the meantime the estate is largely wasted or ruined. I may say that there are three main classes of estates, of which the Court of Wards

[Mr. R. Burn.]

value of the estate and which would also benefit the tenantry. He criticized in particular the loss on an agricultural farm at Balrampur which is in charge of a gentleman with European qualifications. I think that when he sees the report for the year which has just closed he will find considerable improvement in that matter.

The Agricultural Adviser in the Balrampur estate was not employed simply to run one small farm. It is a part of his duties to look after other improvements in the estate; he is also used as a consulting adviser in the case of farms maintained by other estates, which pay for his services when he visits them. I am very much struck by the success of the Agricultural department in popularizing agricultural improvements by sending fieldmen to live in villages and to demonstrate on the spot with their own hands the improvements which have been worked out by the Agricultural department, and I propose to introduce that method at a very early stage in the Balrampur estate. We also hope to make a considerable advance in that estate in the matter of cattle-breeding. Some bulls have already been imported and we hope to have better breeds now. The honourable member passed on from improvements to expenditure on education of tenants. I know his view is that, instead of estates maintaining schools, they should devote all their available money to scholarships. Here, again, I do not think one can lay down hard and fast principles. In some cases, no doubt, it is better that scholarships should be given, but there are estates, large estates, which can reasonably afford to maintain schools and which do maintain very flourishing schools. One thing which the estates under the Court of Wards have recently done with some success to extend education is to popularize a system of travelling libraries. That system was started in the Nanpara estate where a number of books were purchased and were sent round to schools in the estate with very great success. The same system has begun in Balrampur, and, if possible, it will be extended in other wealthy estates. I will leave the honourable mover and the honourable supporter to decide among themselves regarding the question of expenditure on sanitation and medical matters. I gather that while the honourable mover thought that it was largely wasted, the honourable member from Hardoi approved of it. Half of the expenditure is incurred on regular dispensaries which are maintained by the larger estates and a quarter of it goes in giving direct aid to tenants, such as the supply of quinine and other medicines in times of epidemic. The honourable mover thought that the time has now come when the member of the Board should either be replaced, or at any rate be assisted, by a special officer for the Court of Wards' work, but he does not appear to have realized the great change which has been made in the last year or two by devolution of power to commissioners and district officers. A large part of the work is now disposed of by those officers which formerly used to come to the Board of Revenue. This devolution was made owing to suggestions made by members of this Council.

The next matter of importance to which I will refer is the appointment of special managers. I hardly think that the Council will go as far as the honourable member did in pressing that special managers should invariably belong to the same religion as the wards. There are

cases in which that is impossible, because half the estates in a district belong to Hindus and the other half to Muhammadans. Managers and assistant managers must, under the orders of Government, ordinarily be deputy collectors or tahsildars and occasionally naib-tahsildars. If we cannot trust officials of that class in the matter of management of estates, then I think we can trust them in nothing at all. We have both the main communities fully represented on the district advisory committees and whenever any matter concerning religion, such as expenditure on religious ceremonies or expenditure on marriage, comes up, the members of the district advisory committee are invariably consulted.

The honourable member for Hardoi complained that in a recent appointment an assistant manager had been sent who was of a religion different from that of the owner. That statement, if I guess correctly, is correct, but, on the other hand, the officer of the district belongs to the religion of the owner of the estate, so that we may be sure that no question of difficulty will arise.

The honourable member from Bundelkhand suggested that, so far as possible, relations of wards should be appointed. That is a principle which I always like to follow when it is possible and recently we took over an estate in which the lady-owner represented that her brother was an excellent person who could do very good work as assistant manager. The deputy commissioner was instructed to try him, but the answer came back that this gentleman could neither read nor write, and he was the only near relation who would have been available for the purpose. So there are obvious difficulties in the way. We have, however, made progress in this respect and in one district the special manager is the brother of the ward of the principal estate, while in other districts relations of wards are employed in some capacity.

The honourable member for Bulandshahr said that there was a danger of interference with the wishes of adult wards. He did not refer to any particular case, but if it is permissible to guess, I can say at once that there is another side to the question. Let us take the case of a ward who has been disqualified for extravagance. There is no doubt that there is possibility of a keen difference of opinion as regards the allowance which is to be made to a ward like that. A man who has been accustomed to live at the rate Rs. 5,000 a month does not easily submit to live on Rs. 1,500 a month even though that is absolutely necessary to liquidate his debts.

My honourable friend, Mr. Masud-uz-Zaman, referred to the case of an estate in Gorakhpur. I do not know whether the new Contempt of Courts Act has been passed or whether his remarks will come under it, but that estate is not under the management of Court of Wards at all. I understand that the manager or receiver was appointed by order of a civil court.

The honourable member for Farrukabad referred to the Partapner estate. That estate is at present held by the collector of Etawah under section 14 of the Court of Wards Act. Charge has not been assumed, because a suit has actually been filed and there are two claimants to the property—an adopted son and the widow. In these circumstances it is obviously improper for the Court of Wards to recognize either of these claimants until either some composition is made or until the case is decided.

Lieut. Raja Durgā Narayan Singh: On a point of personal explanation, Sir. I wanted that the Court of Wards should intervene in the matter and bring about a compromise between the two.

Mr. R. Burn: That is a matter which I already have under consideration. The estate not being under the Court of Wards, the Court of Wards itself is not competent to compose it, but I understand that conversations are going on.

The same member complained that the central advisory committee of the Court of Wards had no powers except those of giving advice. That is a matter . . .

Lieut. Raja Durgā Narayan Singh: I meant to say that the committee should be given more powers. The Board of Revenue has very kindly given us some powers, e.g., to move resolutions and ask questions in the central advisory committee, but we want more powers.

Mr. R. Burn: I misunderstood the honourable member. He said that more powers should be given to the committee. The committee was formed very recently, and it seems advisable that it should carry on with its existing powers for some time further before the question of extending those powers arises.

The honourable member for Hardoi also referred to a particular incident of Court of Wards management in which he said that a lease had been given by the proprietor of the estate for Rs. 14,000 a year was cancelled when the Court of Wards took over management, and another was given in respect of the same village for only Rs. 6,000. That is a case which has already been explained to the Council or shortly will be explained in reply to a question. The position was that the owner of the estate gave a lease for this amount of Rs. 14,000 which was several thousand rupees higher than the recorded rental of the village. Such leases are given occasionally. Honourable members will understand how and why. But in any case the thekedar died and his heirs came to the management. We found it absolutely impossible to recover arrears, and the lease was given at a figure which was believed to be fair both to the lessees and to the estate. The same honourable member suggested that Court of Wards' service should be made pensionable. That from the very nature of the case is quite impossible. Estates are held for limited periods. The bulk of the servants are employed as servants of the estates. We have a provident fund, and in the case of officials employed at headquarters of districts or in such capacities as sarbarahkars, we do our best to secure continuity. Recently when the Nanpara estate was released and made over to its owner, we sent a list of sarbarahkars displaced to all commissioners, and until places are found for men, who had done good service, we shall not allow commissioners to make new appointments of outsiders. The honourable member for Hardoi made it a grievance that in one district in the United Provinces, where a special scheme of management was in force, the ordinary scheme was being started in addition. I have often stood up in this Council and answered the charge that the management of the Court of Wards is not in accordance with the wishes of the wards. I now find myself attacked because we are carrying out exactly what the ward desires. I cannot say that on the question of principle there is anything wrong or anomalous in having these two schemes together. In the Gonda district we have the Balrampur estate directly under the Board of Revenue, and we also have a

special scheme under the Deputy Commissioner and the Commissioner in the ordinary way. These matters are dealt with on their merits. This is the last occasion on which I stand here to defend or to explain the action of the Court of Wards and I feel grateful to the Council for what has been said today and for the absence of any tinge of the bitterness which has sometimes been felt in debates on Court of Wards.

Rai Bahadur Thakur Hanuman Singh: I do not want to make a very long speech in reply. As regards the management of estates owned by ladies I would point out to Mr. Burn that the policy of the Court of Wards in this respect has been very inconsistent. In certain cases the Court of Wards at once jumps up to assume charge and in others lets the estate remain in the hands of the ladies for a long time. The estates are not released in favour of these ladies even on probation so that they may be tried and if proved capable to manage their estates may remain under them or after a short time if they prove incapable they may be taken over from them. Then the honourable member has suggested how can females be trained in house management. I would say that they should be placed under the training of Indian ladies who could teach them the manners of the country, either Muhammadan or Hindu, the English ladies are incapable of teaching those manners. As regards the farms I meant that nearly all the farms with the exception of a few were being run at a loss, and where there were gains they were trifling and could not be taken into consideration. As regards Balrampur I would say that I selected it for example where the loss in the year ending 30th September, 1923, was much over Rs. 9,000, though it was in the charge of an expert.

I thank the honourable Member for the Board of Revenue for giving us very valuable information.

The motion was, by leave of the Council, withdrawn.

Motion No. 28—Not moved.

Motion No. 29.

Rai Bahadur Lal Mathura Prasad Mehrotra: I beg to move, Sir, that the demand of Rs 2,53 179 concerning Board of Revenue at page 42 of the Civil Detailed Estimates be reduced by Rs. 1,001.

By bringing this motion of a token nature I want to refer to the question of the transfer of patwaris that I brought before the House last year. I think it has not been given effect to. The patwaris are not being regularly transferred.

Hon'ble the President: This has nothing to do with general administration. It will come under "land revenue".

The motion was, by leave of the Council, withdrawn.

Motion No. 30.

Rai Sahib Chaudhri Sheoraj Singh: I beg to move that the demand concerning Board of Revenue total at page 42 of the Civil Detailed Estimates be reduced by Rs. 101.

In this connexion I want to bring to the notice of the House a serious grievance of the land-owning classes of these provinces, I mean the unfair, unjust, and illegal order of the Board of Revenue for stopping

[Rai Sahib Chaudhri Sheoraj Singh.]

all the ejectment cases the number of which exceeded a certain limit. Sir, this order was as much against equity and justice as it was against the expression of the law. It made a living section of the law as dead without amending the law itself.

Hon'ble the President: I hope it does not refer to an order passed by the Board in its judicial capacity? The honourable member can refer to executive orders of the Board, but not reflect on their judicial orders.

Rai Sahib Chaudhri Sheoraj Singh: It is an executive order, Sir. This question was raised in this Council during the last budget debate by Hon'ble Nawab Muhammad Yusuf, but owing to the absence of a large number of zamindar members and the attitude of others who wanted to oppose the zamindars even on a matter of principle and who made a common cause with the Government in spite of their being in the opposition benches, the motion was lost. However, the order was qualified by the Government by issuing instructions to the district magistrates which were not understood by many of them and not acted upon by many more. When I say not acted upon by many more, I think my friend Pandit Nanak Chand who opposed this motion last year will associate himself with me that in Bulandshahr district, which he has the honour to represent, the parties were not even informed of the dates of cases which were instituted in 1925. Sir, the zamindars pay a land revenue which is more than half of the total income of the Government. They have been loyal to the Government during the War, and on every other occasion. They have supported the Government through thick and thin, but when their legal rights are taken away from them and when their demands are crushed, I think it is time for them to consider their policy. The question is not of zamindars or tenants but of principle. The issue before the House is whether a Government established by law is authorized to suspend any section of the living law without amending the law itself. I hope the honourable members who are not zamindars themselves will consider that they are as much representatives of the zamindars as of the tenants and on a question of principle whether it may be regarding zamindars or the tenants they would associate with them and give their support. With these few words I move my motion.

Lient. Nawab Jamshed Ali Khan: I support the motion of Rai Sahib Chaudhri Sheoraj Singh. This is a long-standing grievance of the zamindar community and much has been said on this question on the floor of this House during the budget debate of the last year. Though I cannot add anything further to those arguments, yet I am afraid I would not be doing justice to my community if I do not take part in this debate. Sir, these circular letters of the Board have caused great hardship to zamindars and as a matter of fact they have deprived poor zamindars of their legitimate right and privilege of having their tenants ejected. I want to say only so much, Sir, that zamindars are no less anxious for the welfare and prosperity of their tenants than Government. I will go further and say that the zamindar quite naturally has more regard for his tenant because his bread and butter depends on the prosperity of the tenant. The said letters have already caused much harm

and I do not think their withdrawal at this stage will sufficiently compensate landlords. An Urdu poet has very aptly said—

کی مہرے قتل کے بعد اُس نے جفا سے توبہ
ہائے اُس زود پشیمان کا پشیمان ہونا

But as this is a question of principle, I hope Government will see their way to withdraw these circular letters. Better late than never.

Dr. Shafa'at Ahmad Khan: I rise to support this proposal of Rai Sahib Chaudhri Sheoraj Singh. I have come into contact with the zamindars of Moradabad and of other districts and I found that the general feeling among them was that they had been most unfairly treated last year. It is quite clear that last year owing to the order of the Board of Revenue they sustained serious financial losses. Moreover, it is perfectly clear that owing to the suspense, the uncertainty, the anxiety which they have undergone for more than two years they have not yet recovered from that financial strain. Their condition has changed for the worse during the last two years. They suffered terrible losses in 1924 and last year, specially in my constituency, they had a visitation in the form of famine—the failure of the *kharif* crop. Owing to the failure of the *kharif* crop some of the zamindars were reduced to a pitiable condition. Now, on the top of these losses, arrives the ukase of the Board preventing them from exercising their legitimate right. But I support it on a much higher ground: I support it because I believe that the order of the Board of Revenue is the negation of all law. I think that the zamindars are perfectly entitled to demand that in no case, under no circumstances and under no conditions whatsoever should anything be taken away from them unless it be by the due, by the solemn, and by the sure observance of the law of the land. That, Sir, I submit, has not been done by the Board of Revenue. The Board of Revenue went still further. I asked about eighteen months ago whether it was true that the Board had asked the High Court of Judicature at Allahabad to issue instructions to the lower courts requesting them to postpone action in such cases. The reply was so evasive, so unsatisfactory, that it added insult to the injury. That has been felt by the whole zamindar community. So, owing to this gross violation of the law, the grave and palpable violation of the law, I support this proposal, and I hope that every member of the Council, whether he is a rabid pro-tenant or a fanatical pro-zamindar, will support this motion.

Hon'ble the President: It is getting rather late. We are now discussing motion No. 30, and as honourable members will notice there are still 43 motions to be discussed under the head General Administration, besides the motions under the head Land revenue. There are a number of zamindars who naturally would like to speak on the subject. Unless anything new is to be said, let those who wish to oppose have their say now. I only make a suggestion; I have no desire, nor have I the right to interfere with the rights of honourable members.

Hon'ble Sir Samuel O'Donnell: When this question was discussed last year I pointed out that there was no desire whatever on the part of Government to interfere with the normal exercise by the landlords of their powers of ejectment. In the great majority of districts no attempts were made at wholesale ejectments. But in certain districts there was clear evidence that such ejectments were being attempted

[Hon'ble Sir Samuel O'Donnell.]

under mistaken apprehensions regarding the effect of the proposals of the Tenancy Committee. For example, in one district alone there were something like 60,000 suits for ejectment. For the province as a whole the increase in the number of ejectment suits was something like 1,50,000, that is to say, in one year something like 1,50,000 more ejectment suits were filed than in the preceding year. It seemed to us impossible to stand by and allow the dislocation and disturbance which would have ensued. It seemed to us that had these suits been allowed to go on the consequences would have been very serious, and that was the reason why these instructions were issued. But of course a matter of this kind cannot be settled by the issue of any instructions by the Board of Revenue or by the Government. It is a matter which must be finally settled by legislation, and the question is now before the Council in another form. We have included in our Tenancy Bill provision for dealing with these suits. That Bill will be referred to a select committee shortly, and when the select committee has reported on it, it will come again before the Council, and then honourable members will have an opportunity of finally pronouncing their opinion as regards the way in which these suits should be dealt with.

Khan Bahadur Maulvi Fasih-ud-din: I had absolutely no mind to speak on this subject today, because I have already spoken more than once, but I should like to point out the history of this order in a few words. The order was proposed by the Chairman of the Tenancy Bill Committee last summer, and I very strongly objected to it as being *ultra vires* and as not being within the purview of that committee. So it was decided that the proposal would go not from that committee but from the individual members of it. I could not understand the *raison d'être* of that proposal, but I discovered that an order had been passed. The Hon'ble Finance Member has tried to justify the action taken by the Government by saying that there were such a large number of suits for ejectment in that year and that the Government could not sit quiet and see the disturbance of conditions in that particular respect. He has, however, evaded the main issue whether the action taken by the Government in this matter was in accordance with law or not. Whatever the conditions may be, whatever the number of cases may be, I put it to the Hon'ble Finance Member, was the Government justified in overriding a living provision of a living law? Was it justified in stifling the ejectment cases which were quite in accordance with the provisions of the Tenancy Act? That is the main question before us. Even supposing that the zamindars wanted to eject many tenants, what harm was there to the Government? They knew that the provision for life tenancy was coming in the new Bill, and they wanted to let out their fields at a fair rent to desirable tenants. The matter did not hit the Government in any way. Even if it hit them, was the Government justified in passing an executive order nullifying the provisions of a law which had not been cancelled by the Council simply on the ground that the Government was going to introduce a new Act? It is my lifelong experience that when a Tenancy Bill is introduced in the Council, the number of ejectment cases rises very high. That was exactly the case when the existing Tenancy Act of 1902 was being introduced. I remember in the year 1900-01 the number of these cases was abnormally high, but no one thought at that moment of taking away that power of the zamindar which had been

conferred on him by the Act. I am very sorry to say that there is a keen resentment still existing, as my friend on the right has said.

Rai Sahib Chaudhri Sheoraj Singh: I do not think there is much left for me to say. I am thankful to the non-official members of this Council for their unanimous support. I have simply to appeal to the Indian official members who happen to be zamindars and members of the zamindar party in this Council. When any question of their support comes, they persuade members of the zamindar party to support them simply because they are members of their party. I have to see today what their attitude is. A similar motion was brought forward by Hon'ble Nawab Muhammad Yusuf last time. I hope he will support us, if not by his speech, at least by his vote. The Hon'ble Finance Member has not been pleased to state as to under what law those ejectment cases were postponed. I want to ask him as to whether any civilized Government is authorized to suspend the living section of law without any amendment in the law itself and to deprive the public from benefiting from that provision of the law.

Hon'ble Sir Samuel O'Donnell: I have just one remark to add. I ought to have mentioned when I first spoke that exactly the same procedure was adopted in Oudh when the Oudh Rent Act was under consideration. If the procedure adopted in the case of Oudh was legal, I fail to see why it should not have been legal in the case of Agra.

The motion was put and adopted.

Motions Nos. 31, 32 and 33—Not moved.

A motion for postponement was made by Dr. Shafa'at Ahmad Khan and adopted.

The Council was accordingly adjourned until the following day.

APPENDIX A.

(See page 127 *supra*.)

(Statement referred to in the answer to starred question No. 26 for March 26, 1926, asked by KHAN BAHADUR HAFIZ HIDAYAT HUSAIN SAHIB.)

	Total number.	Number of Panjabis.
(a) Sub-divisional officers ...	2	1
(b) Overseers ...	...	...
(c) Members of the subordinate engineering service.	3	3
(d) Sub-overseers ...	10	5
(e) Time-keepers ...	...	...
(f) Contractors ...	44	5
Total ...	59	14

APPENDIX B.

(See pages 130 and 141 *supra*.)

(Referred to in answer to starred question No. 51.)

<i>Names of district boards.</i>	<i>Names of members nominated by Government to the district boards since December 15, 1925.</i>
Dehra Dun ...	Major Kanwar Shamsher Bahadur Singh, Chaudhri Maisa Ram Gaiden.
Saharanpur ...	Reyd J. B. Frank. Subedar Faizul Hasan.
Bulandshahr...	Pandit Nanak Chand, M.L.C. Gokul Chand Mehtar.
Aligarh ...	Hon'ble Sir Muzammil-ullah Khan. Karau Singh Lodh.
Muttra ...	Rai Bahadur Babu Ram Nath. Chaudhri Dal Chand Chamar.
Agra ...	Rai Sahib Amba Prasad, M.L.C. Babu Khem Chand, M.L.C.
Mainpuri ...	Rai Bahadur Pandit Kharagjit Misra, M.L.C. Babu Rup Narayan, B.A., LL.B.
Bareilly ...	M. Ahmad Yar Khan. Ramai Chamar.
Bijnor ...	Khan Bahadur Chaudhri Amir Hasan Khan. Mangal Chamar.
Budaun ...	Ram Lal Jat. Ganesh Chamar.
Moradabad ...	Babu Jiwa Ram. Honorary Lieut. Sardar Mohammad Ayub, Khan Bahadur.
Pilibhit ...	Chaudhri Mangal Sen. Revd. B. R. L. Chopra.
Farrukhabad	Khan Bahadur Muhammad Sultan. Babu Kesri Lal Chamar.
Etawah ...	Rai Sahib Thakur Uma Singh. Babu Badri Prasad.

APPENDIX B.—(continued).

<i>Names of district boards.</i>	<i>Names of members nominated by Government to the district board since December 15, 1925.</i>
Cawnpore ...	... Haji Abdul Qayum. Babu Ghasitey Lal Chamar.
Fatehpur ...	... M. Tufail Ahmed, Vakil. Mulla Ram Chamar.
Allahabad ...	... Sarda Prasad Teli. Pandit Venkatesh Narayan Tewary (resigned).
Jalaun ...	... Thakur Raghunandan Singh. Chintaman Chamar.
Hamirpur ...	... Revd. E. C. Davies. Bhekua Chamar.
Banda ...	... Ganga Prasad Bharbhujia. M. Fida Ali Khan.
Benares ...	... M. Mir Ali Sagir. Revd. J. C. Jackson.
Mirzapur ...	... Haji Shaikh Abdul Karim.
Jaunpur ...	... Debi Prasad Kalwar. Pandit Adya Shanker.
Ghazipur ...	... Khan Bahadur Munshi Gada Husain. Babu Sheo Nath Koeri.
Ballia ...	... Babu Mahadeo Prasad. Revd. J. C. Sampson.
Gorakhpur ..	... Rai Bahadur Babu Nursingh Prasad. Chandhri Baldeo Prasad Kalwar.
Lucknow ...	... Khan Bahadur Mir Syed Husain. M. Andrews Dube.
Unao ...	... Raja Shankar Sahai. Hari Shankar Lodh.
Rae Bareilly ...	... Raja Barkhandi Mahesh Pratap Narayan Singh. Raja Chandra Chur Singh.
Sitapur ...	... Mr. M. S. David. Makhan Bhagat.
Hardoi ...	... Rai Bahadur Thakur Mashal Singh M.L.C. Pitam Chamar.
Kheri ...	... Khan Bahadur Munshi Abdul Rahman Khan. Sukhai Chamar.
Fyzabad ...	... Khan Bahadur Mehdi Hasan. Revd. Thomas Singh.
Gonda ...	... Sarju Prasad Bhatnagar. Raghubir Saran Gaurakh.
Bahraich ...	... Sardar Autar Singh. Prag Pasi.
Sultanpur ...	... Subedar Abhaidat Singh. Ram Prasad Ahir, Vakil.
Partabgarh ...	... Ganga Din Mistri. Pandit Radhey Bihari, Vakil.
Bara Banki ...	... Thakur Raghunath Singh. Chaudhri Anwar Husain.

APPENDIX B — (continued).

<i>Names of municipal boards.</i>	<i>Names of members nominated by Government.</i>
Mussoorie ...	Mr. H. B. Stephen. Major F. W. Hart.
Roorkee ...	Major W. C. M. Charters, I.M.D. Thakur Sham Lal Singh, Vakil.
Kairana ...	Saiyid Kazim Husain (retired tahsildar); Balmakund Gupta, B.A., LL.B.
Baraut ...	Rai Sahib Prabhu Lal, Tahsildar (since died).
Muttra ...	Rai Sahib Munshi Sunehri Lal. Asa Kumhar.
Agra ..	Mr. Amba Prasad, M.L.C. Babu Khem Chand, M.L.C.
Mainpuri ...	Budhu. K. P. Ganguli.
Cawnpore ...	Jugnu Ahir. Tara Chand.
Fatehpur ...	Mr. Ahmad Kamal, Barrister-at-Law.
Allahabad ...	Mr. Uma Nehru (now resigned). Chet Ram Pasi.
Ghazipur ...	Revd A Sanderson. Rai Sahib Babu Parmeshri Lal.
Jalesar ..	Tahsildar of Jalesar. Hakim Hamid-ullah Khan.
Bareilly ...	Ramai Lal Chamar. Revd. J. Davidson.
Moradabad ...	Khan Bahadur S Masud-ul Hasan. Sahu Nand Lal Saran.
Tilhar ...	Hafiz Yusuf Ali Khan. Revd. P. S. Maurice.
Azamgarh ...	Raja Muhammad Shah, Honorary Magistrate. Dr. David Paul.
Kashipur ...	Chaube Amar Nath.
Unao ...	Khan Bahadur Qazi Nazir Ahmad. Thakur Laiq Singh (Deputy Collector).
Khairabad ...	Babu Mannu Lal. Debi Din, Teli.
Hardoi ...	Khan Sahib Saiyid Amjad Ali. Rai Sahib Trijug Nath Kaul.
Sandila ...	Kunwar Jang Bahadur. Khan Sahib Munshi Qabul Ahmad.
Kheri ...	Kodi Chamar. Pandit Suraj Narain Dikshit.
Balrampur ...	Kunwar Jasbir Singh. Saiyid Haidar Karrar Jafri.
Gonda ...	Babu Satish Chandra Banerji. Khan Bahadur Munshi Barkat-ullah.
Bahraich ...	Mrs. Ram Sarup Srivastava. Khan Bahadur Saiyid Aulad Husain, Taluqdar.
Sultanpur ...	Rai Sahib Pandit Avadh Behari Saran. Hira, Sweeper.

APPENDIX B—(concluded).

<i>Names of municipal boards.</i>		<i>Names of members nominated by Government.</i>
Partabgarh ...	...	Rai Sahib Pandit Nanak Chand Kapur. Kali Din, Contractor.
Nawabganj, Bara Banki,...	...	Masih-ud-din, Esq., Barrister-at-Law. Pandit R. L. Dikshit, Wakil.
Aligarh ...	...	Khan Bahadur Abdus-Sami Khan.

APPENDIX C.

(See page 131 *supra*.)

(Statement referred to in answer to starred question No. 57 of March 26, 1926.)

<i>Name of municipality</i>	<i>Date of nomination.</i>
Allahabad ...	December 21, 1925.
Benares ...	Do. 14, 1925.
Bareilly ...	Do. 21, 1925.
Moradabad ...	Do. 16, 1925.
Bahraich ...	Do. 21, 1925.
Sandila ...	Do. 21, 1925.
Shahabad ...	Do. 21, 1925.
Bara Banki ...	Do. 21, 1925.
Fatehpur ...	Do. 22, 1925.
Azamgarh ...	Do. 22, 1925.
Cawnpore ...	Do. 23, 1925.
Muttra ...	Do. 23, 1925.
Lakhimpur ...	Do. 21, 1925.

N B.—In the following boards, nominations were made after December 23, 1925 : —

(1) Baraut.	(6) Koli (Aligarh)	(11) Jaunpur.
(2) Unao.	(7) Sikandra Rao.	(12) Kashipur.
(3) Mussorie.	(8) Jalesar.	(13) Haridwar.
(4) Roorkee.	(9) Ujhani.	(14) Khairabad
(5) Kairua.	(10) Tilhar.	

<i>Name of district board.</i>	<i>Date of nomination.</i>
Dehra Dun ...	December 22, 1925.
Saharanpur ...	Do. 23, 1925.
Bulandshahr ...	Do. 21, 1925.
Aligarh ...	Do. 16, 1925.
Muttra ...	Do. 16, 1925.
Agra ...	Do. 14, 1925.
Mainpuri ...	Do. 16, 1925.
Bareilly ...	Do. 14, 1925.
Bijnor ...	Do. 14, 1925.
Budann ...	Do. 14, 1925.
Moradabad ...	Do. 16, 1925.
Filibhit ...	Do. 16, 1925.
Etawah ...	Do. 16, 1925.
Cawnpore ...	Do. 16, 1924.
Fatehpur ...	Do. 21, 1925.
Allahabad ...	Do. 16, 1925.
Hamirpur ...	Do. 23, 1925.
Benares ...	Do. 22, 1925.

APPENDIX C—(concluded).

<i>Names of district board.</i>	<i>Date of nomination.</i>
Jaunpur	December 21, 1925.
Ghazipur	Do. 21, 1925.
Ballia	Do. 22, 1925.
Gorakhpur	Do. 14, 1925.
Azamgarh	Do. 21, 1925.
Lucknow	Do. 21, 1925.
Rae Bareilly	Do. 16, 1925.
Sitapur	Do. 21, 1925.
Hardoi	Do. 17, 1925.
Fyzabad	Do. 16, 1925.
Gonda	Do. 21, 1925.
Bahraich	Do. 14, 1925.
Sultaupur	Do. 22, 1924.
Partabgarh	Do. 22, 1925.
Bara Banki	Do. 17, 1925.

N.B.—Nomination of members to District Board, Unao, was after January 14, 1926.

APPENDIX D.

(See page 135 *supra*.)

(Referred to in answer to starred question No. 80 for March 26, 1926.)

*Statement of applications for the removal of disqualification
for membership of district board.*

<i>Name and address of applicant.</i>	<i>Action taken by Government.</i>
1. Thakur Prithviraj Singh of Bareilly district.	The disqualification was removed.
2. Babu Indarjit Singh of Meerut ...	
3. Qazi Muhammad Adil Abbasi, B.A. of Basti.	
4. Babu Ram Lal Gupta of Allahabad district.	
5. Dafadar Khan of Budaun district ...	The disqualification was not removed.
6. Babu Mahabir Tyagi of Bijnor ...	
7. Chaudhri Daryao Singh of Meerut district.	
8. Pandit Bhagirath Pande of Almora	
9. Babu Debi Singh of Almora ..	
10. Thakur Mal Khan Singh of Aligarh district.	

APPENDIX D—(concluded).

Statement of applications for the removal of disqualification for membership of municipal board.

<i>Name and address of applicant.</i>	<i>Action taken by Government.</i>
1. Babu Radha Krishna Bhargava, Muttra.	The Government had no power to remove the disqualification.
2. Muhammad Hafiz-ur-Rahman Khan, Farrukhabad.	
3. Babu Chunni Lal, Balraunpur ..	
4. Mr. T. A. K. Sherwani, Bar-at-law, Aligarh.	
5. Babu Bhagwati Sahai Bedar, M.L.C., Shahjahanpur.	
6. M. Hamid-ul-Rahman, Farrukhabad	A conviction under the Criminal Law Amendment Act is no disqualification under the Municipalities Act.
7. Manpal Gupta, Kasganj ...	
8. Syed Hasan Jan, Kasganj ...	Rejected.
9. Maqsum Thakur, Gonda ...	The applicant was told to present his application to the District Magistrate who if he thought that he was not disqualified under section 14 (3) (e) of the Municipalities Act, could order the entry of his name in the electoral roll of the Municipality.

APPENDIX E.

(See page 196 supra.)

(Referred to in answer to starred question No. 86.)

Names of district boards.		Names of members nominated to the district boards for the term of the board ending on December 14, 1925.		Names of members nominated by Government to the district boards since December 15, 1925.	
Dehra Dun ...	...	Kanwar Shamsher Bahadur Singh, M.L.C.	Major Kunwar Shamsher Bahadur Singh.		
Seharanpur...	...	Mansa Ram Gadaria.	Rev. J. B. Frank.	Chaudhri Mansa Ram Gadaria.	
Muzaffarnagar	...	Mangat Barhai.	Babu Abhay Chander Bhattacharji.	Rev. J. B. Frank.	
Meerut ...	...	Syed Hasan Ali Khan.	M. Muhammad Aslam Saifi, M.L.C.	Subedar Faizul Hasan.	
Bulandshahr	...	Chaudhri Het Ram Kahar.	Doji Chamar.		
Aligarh ...	...	Chaudhri Raghubir Singh.	Chaudhri Raghubir Singh.		
Muttra ..	...	The Hon'ble Nawab Muzammil-ullah Khan.	Karan Singh Lodh.	Pandit Nanak Chand, M.L.C.	
Agra ...	...	Chaudhari Chidda Singh.	Chaudhri Dal Chand Chamar.	Gokul Chand Sweeper.	
Mainpuri ...	...	Bohra Khem Chand, M.L.C.	Rev. A. E. Hubbard (resigned).	Hon'ble Sir Muzammil-ullah Khan.	
	...	Rev. G. S. Reynolds, M.A.	Rai Bahadur Pandit Kharagjit Misra, M.A., LL.B., M.L.C.	Karan Singh Lodh.	
	...	Jiwan Ram Jatav.	Lala Sobha Ram.	Rai Bahadur Babu Ram Nath.	
Etah ...	...	Chaudhri Khem Chand.	Ramai Jaiswal.	Chaudhri Dal Chand Chamar.	
Bareilly ...	...	M. Ahmad ar Khan.		Rai Sahib Amba Prasad, M.L.C.	
				Babu Khem Chand, M.L.C.	
				Rai Bahadur Pandit Kharagjit Misra, M.L.C.	
				Babu Rup Narayan, B.A., LL.B.	
				M. Ahmad Yar Khan.	
				Rava Chamar.	

Bijnor	...	Mangal Chamar.	Khan Bahadur Chaudhri Amir Hasan Khan, M.L.C.
Budaun	...	Chaudhri Amir Hasan Khan, M.L.C. Shaiki. Syed Muhammad. Net Ram Teli.	Mangal Chamar. Ram Lal Jat. Ganesh Chamar.
Moradabad	...	Babu Harm Narain. Babu Jiwa Ram, B.A., LL.B.	Babu Jiwa Ram. Honorary Lieut. Sardar Muhammad Ayub, Khan Bahadur.
Shahjahanpur	...	M. Fazlur Rahman Khan, M.L.C.	
Pilibhit	...	Umair Lal Kachi. Hafiz Abdul Jalil.	Chaudhri Mangal Sen. Rev. B. A. L. Chopra.
Farrukhabad	...	Mangal Sen Mochi. Khan Bahadur Syed Muhammad Sultan. Kesri Chamar.	Khan Bahadur Muhammad Sultan. Babu Kesri Lal Chamar. Rai Sahib Thakur Uma Singh.
Awān	...	Chaudhri Gyun Singh Abir. Thakur Uma Singh Bhadamia.	Babu Badri Prasad. Haji Abdul Qayum.
Cawnpore	...	Haji Abdul Qayum. Babu Ghasivey Lal Chamar.	Babu Ghasivey Lal Chamar. M. Tufail Ahmad, vakil.
Fatehpur	...	Khan Sahib Saiyed Tufail Ahmad. Mulla Ram Chamar.	Mulla Ram Chamar. Sarda Prasad Teli.
Allahabad	...	Mr. Venkatesh Narain Tewari. Nand Kishore Pasi.	Pandit Venkatesh Narain Tiwari (resigned).
Jhansi	...	Mr. J. H. Abbott, G.B.E. Ganesh Kumhar.	
Jalaun	...	Lala Kaul Kunwar. Lala Ram Charan Teli.	Thakur Raghunandan Singh. Chintamani Kumhar.
Hamirpur	...	M. Mohammad Shaikat-ullah Khan. Lalu Teli.	Rev. E. C. Davies. Bhikua Chamar.
Banda	...	Rai Kedar Nath. Bald-o Kumhar.	Ganga Prasad Bharbhua. M Fida Ali Khan.
Benares	...	M. Mir Ali Sagir. Rev J. C. Jackson.	M. Mir Ali Sagir. Rev. J. C. Jackson.

APPENDIX E—(continued).

* Names of district boards.		Names of members nominated to the district boards for the term of the board ending on December 14, 1926.		Names of members nominated by Government to the district boards since December 15, 1925.	
Mirzapur	...	Haji Shaikh Abdul Karim.	Haji Shaikh Abdul Karim.	Debi Prasad Kalwar.	
Jaunpur	...	Babu Mahadeo Singh.	M. Ali Sajjad.	Pandit Adya Shankar.	
	...	Ram Charan Lalia.		Khan Bahadur Munshi Gada Husain.	
Ghazipur	...	Khan Sahib Gada Husain.		Babu Sheo Nath Koeri.	
Ballia	...	Babu Mahadeo Prasad.		Babu Mahadeo Prasad.	
	...	Sital Ram Teli.		Rev. J. C. Sampson.	
Gorakhpur	...	Babu Murari Lal.		Rai Bahadur Babu Narsingh Prasad.	
	...	Chaudhri Baldeo Prasad Kalwar.		Chaudhri Baldeo Prasad Kalwar.	
Basti	...	Rai Sahib Sarju Prasad, vakil.			
	...	Rev. Tafazul Haq.			
Azamgarh	...	Dwarka Nath Chaudhri.			
Naini Tal	...	Babu Abdullah Khan.			
	...	Bachi Ram Ariya.			
Almora	...	Captain J. Corbett.			
	...	Lala Har Kishen Lal Sah.			
Garhwal	...	M. Hari Tanta.			
	...	Thakur Jodh Singh.			
Lucknow	...	Rev. G. B. Thomson.			
	...	Khan Bahadur Mir Syed Husain.		Khan Bahadur Mir Syed Husain.	
	...	Rai Bahadur B. Behari Lal.		M. Andrews Dube.	
Unao	...	Raja Shankar Sahai.		Raja Shankar Sahai.	
	...	Babu Hari Shankar.		Hari Shankar Lodh.	
Rae Bareilly	...	Sirdar Birpal Singh.		Raja Barkhandi Mahesh Pratap Singh.	
	...				Narain
	...	Sheo Lal Chamar.		Raja Chandra Chur Singh.	
Sitapur	...	Mata Prasad Teli.		Mr. M. S. David.	
	...	Qazi Khalil Ahmad.		Makhan Bhagat.	

Hardoi	...	Khan Bahadur Syed Lutf Husain.	Rai Bahadur Thakur Masbal Singh, M.L.C.
Kheri	...	Pitam Chamar.	Pitam Chamar
Fyzabad	...	Khan Bahadur Abdul Rahman Khan.	Khan Bahadur Mr. Abdul Rahman Khan.
Gonda	...	N. t Ram Chamar.	Sukhai Chamar.
Bahraich	...	Rev. Arthur Sanderson.	Khan Bahadur Mehdi Hasan.
Sultanpur	...	Babu Triloki Nath Kapur.	Rev Thomas Singh
Partabgarh...	...	Babu Sarju Prasad Bhatnagar.	Babu Sarju Prasad Bhatnagar.
Bara Banki...	...	J. Khawan Das Lodh.	Raghubir Saran Gaurakh.
	...	Sardar Autar Singh.	Sardar Anwar Singh.
	...	Cheda Lal Abir	Prag Pasi
	...	Kunwar Kushalendra Pratap.	Subedar Abaidat Singh.
	...	M. G. Kinvou.	Ram Prasad Abir, vakil.
	...	Thakur Rudra Prasad Singh.	Ganga Din Mistri.
	...	Baj Nath Teli.	Pandit Radhe Bhari, vakil.
	...	Khan Bahadur Sheikh Mahmud-ul-Hasan	Thakur Raghunath Singh.
	...	Kismal.	
	...	Rev. S. R. Parker.	Chaudhri Anwar Husain.

APPENDIX F.

(See page 189 supra.)

List referred to in the answer to starred question No. 98(e) for March 26, 1926.

1. Ganga Din, son of Bahoran, caste Khangar, and resident of Tola Khangaran.
2. Ganesh, son of Bholey, caste Khangar, resident of Tola Khangaran.
3. Musammat Hazari Dulaiya, wife of Mahadeo, caste Khangar, resident of Tola Khangaran.
4. Dewan Bajrang Ballabh Singh and Yavendra Singh, minors, sons of Dewan Raj Ballabh Singh under the guardianship of Uday Narain Singh, caste Thakurs, residents of Majhgawan.
5. Kunwar Bijai Bahadur Singh, son of Jaguandan Singh, caste Thakur, resident of Majhgawan.
6. Kunwar Bishnath Singh, son of Baldeo Singh, caste Thakur, resident of Malehta.
7. Kusirid Dhoj Singh, son of Kuwar Bishnath Singh, caste Thakur, resident of Malehta.
8. Ram Prasad (major) and Kanahaiya Lal, Brijnandan and Lalta Prasad, minors, sons of Hira Lal, under the guardianship of Ram Prasad, caste Khangar, resident of Tola Khangaran.
9. Musammat Janki Bai (major) and Musammat Parbatia, minor, daughter of Jagannath, under the guardianship of Janki Bai, caste Khangaran, resident of Tola Khangaran.
10. Daryao Singh, son of Harnath Singh, caste Thakur, resident of Malehta.
11. Mahadeo, son of Ram Prasad, caste Vaish, resident of Malehta and residing at present at Khara Khar.
12. Mata Din, son of Tunday, caste Vaish, resident of Khara Khar.
13. Kunwar Lal, minor, son of Murli Dhar, under the guardianship of Musammat Rao Rani, mother, caste Lodhi, resident of Athgaon.
14. Pragi Lal, minor, son of Ram Bharosay caste Khangar, under the guardianship of Ram Bharosay, caste Khangar, resident of Tola Khangaran.
15. Raja Ram, son of Raghubar, caste Khangar, resident of Tola Khangaran.
16. Narain, son of Jagar, caste Khangar, resident of Tola Khangaran.
17. Bankey Behari Singh (major), Sheo Darsan Singh, and Gur Baksh Singh (minors), son of Harnath Singh, under the guardianship of Musammat Ujyari Dulaiya, mother, caste Thakur, resident of Jigni State.

APPENDIX G.

(See page 139 *supra*.)

*List referred to in the answer to starred question No. 98(g) for
March 26, 1926.*

Description.	Rate.		
	Rs.	a.	p.
Cart with bullocks	...	0	2 0
Head loads such as fuel and grass, etc. ...	...	0	0 3
Single bullock	...	0	1 0
Camel	...	0	1 0
Horse or pony	...	0	1 0
Mule and ass	...	0	1 0
Elephant	...	1	0 0
Motor car	...	1	0 0

Shops are taxed according to the site occupied by them.

APPENDIX H.

(See page 140 *supra*.)

*Report referred to in the answer to starred question No. 99 for
March 26, 1926.*

One Swami Prasad, Kayasth, of Tola Khangaran, died of a long illness in December, 1924. His widow offered to commit *sati* at his cremation, and a report was lodged at the local thana to that effect. But before the thanadar could arrive, she had already committed *sati*. Some dozen people were sent up for trial but were acquitted by the Sessions Judge on the ground that their active and individual participation had not been established to his satisfaction. Every Sunday, from Sunday, December 25, 1924, onward, the platform, on which the woman was cremated, began to be worshipped and strewn with flowers. The acquittals in the *sati* case were regarded as a miracle worked by the *sati*. The result was that from last spring the *sati* ground began to draw crowds of pilgrims comprising the sick and the infirm, the halt and the lame, the blind and the barren, the leprous or whole, in a word, all afflicted ones, in search of relief and cure. A climax was reached last Dasehra when 25 to 30 thousand pilgrims had come in 1,000 carts to Tola village.

Tola is very small village near the Dhasan river and could not accommodate such big crowds. The resulting congestion, confusion, and insanitation can be easily imagined. Wells and tanks began to dry up; roads were reduced to quagmires; several pilgrims came to grief and at least one died within a few hours of arrival in a wretched hovel not meant for human habitation in the village.

Realizing that the fair would not die out of itself but required control in the interest of the village itself, my predecessor moved Government to extend section 34, Police Act, to the village. Inquiries with a view to the better management of the fair were made by the tahsildar and the Sub-Divisional Officer, and the villagers themselves complained of

damage to their village and the loss and inconvenience caused to themselves by *biradri* folk who come as pilgrims in immense numbers. Zamindars also regarded the fair as an unmixed evil and desired it to be properly managed.

On January 2, 1926, the management was taken over by the tahsildar of Rath, officially appointed officer-in-charge of the fair. He and his naib-tahsildar have been holding alternate charge of the tahsil and the fair and have accomplished a great deal in the short time at their disposal. Finances have been straightened; expenditure and receipts regularized; all leakage of fair money stopped; sanitary works of primary importance undertaken; in a word the fair is efficiently managed out of the fair fund.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Saturday, March 27, 1926.

THE Council met in the Council Chamber, Lucknow, at 11 a.m.
Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT :

(61)

Hon'ble Sir Samuel O'Donnell.	Rai Bahadur Pandit Kharagjit Misra.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.	Rao Sahib Kunwar Sardar Singh.
Hon'ble Rai Rajeshwar Bali.	Pandit Brijnandan Prasad Misra.
Hon'ble Thakur Rajendra Singh.	Lieut. Raja Durga Narayan Singh.
Hon'ble Nawab Muhammad Yusuf.	Raja Narayan Pratap Singh.
Mr. G. B. Lambert.	Raja Sri Krishna Dutt Dube.
Mr. E. A. H. Blunt.	Rai Sahib Babu Dip Narayan Roy.
Kunwar Jagdish Prasad.	Rai Bahadur Thakur Hanuman Singh.
Mr. G. B. F. Muir.	Bhaya Hanumat Prasad Singh.
Mr. B. D'O. Darley.	Rai Bahadur Thakur Mashai Singh.
Mr. H. A. Lane.	Mr. Muhammad Aslam Saifi.
Mr. K. G. Harper.	Rao Sahib Abdul Hameed Khan.
Mr. R. Burn.	Lieut. Nawab Jamshed Ali Khan.
Mr. A. W. Pim.	Khan Bahadur Chaudhri Amir Hasan Khan.
Mr. B. J. K. Hallowes.	Mr. Muhammad Ismail Ali Khan.
Mr. O. M. King.	Maulvi Muhammad Obaid-ur-Rahman Khan.
Mr. H. G. Billson.	Khan Bahadur Hafiz Hidayat Husain.
Mr. R. J. S. Dodd.	Khan Bahadur Shaikh Masud-uz-Zaman.
Colonel A. W. R. Cochrane.	Dr. Shafa'at Ahmad Khan.
Mr. A. H. Mackenzie.	Saiyid Muhammad Ashiq Husain.
Mr. G. Clarke.	Khan Bahadur Maulvi Fasih-ud-din.
Raja Muhammad E'jaz Rasul Khan.	Khan Bahadur Maulvi Muhammad Fazl-ur-Rahman Khan.
Raja Bahadur Brij Narayan Rai.	Khan Bahadur Hakim Mahbub Ali Khan.
Mr. H. O. Desanges.	Khan Bahadur Mr. Ashiq Husain Mirza.
Mr. H. David.	Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Babu Khem Chand.	Rai Bahadur Lala Mathura Prasad Mehrotra.
Second-Lieut. Chaudhri Balwant Singh.	Raja Shambhu Dayal.
Rai Sahib Lala Jagdish Prasad.	Lieut. Raja Shaikh Imtiaz Rasul Khan.
Chaudhri Jaswant Singh.	
Rai Sahib Chaudhri Sheoraj Singh.	
Pandit Nanak Chand.	
Lala Babu Lal.	
Rai Bahadur Babu Ram Nath Bhargava	

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

PARTICIPATION OF MUNICIPAL OFFICERS IN ELECTIONS TO COUNCIL OR LOCAL BODIES.

* 1. **Pandit Nanak Chand :** (i) Has the attention of the Government been drawn to the suggestion of the election commissioners contained in their report in the case of Babu Chhail Bihari Kapur *versus* Thakur Moti Singh (1923-24 Bareilly city Council election case) that the executive officials of municipal boards, including their chairmen, should be forbidden to canvass or work for a candidate at any election, whether to the municipal board or to the Legislative Council?

(ii) Has the Government so far taken any action in this direction? If so, what?

(iii) Does the Government intend to take any further action in this connexion? If so, what?

Hon'ble Nawab Muhammad Yusuf: (i) As regards elections to the Legislative Council the honourable member is referred to the answer given on December 15, 1924 to starred questions Nos. 22, 52 and 99 asked by Rai Bahadur Lala Sita Ram Sahib, Babu Bhagwati Sahai Bedar Sahib and Maulvi Zahur-ud-din Sahib respectively.

As regards elections to the local bodies, the attention of Government in the Municipal and Local Self-Government departments has now been drawn to this suggestion.

(ii) Rule 69 of the district board election rules prohibits a district board servant from canvassing or otherwise interfering in or using his influence in an election. There is no similar rule in the municipal election rules.

(iii) The addition of a similar rule to the municipal election rules will be considered.

(Answer to starred questions Nos. 22, 52 and 99 for December 15, 1924, asked by RAI BAHADUR LALA SITA RAM SAHIB, BABU BHAGWATI SAHAI BEDAR SAHIB and MAULVI ZAHUR-UD-DIN SAHIB, respectively.)

* The Government are in complete agreement with the principles enunciated by the commissioners on the subject of the participation of municipal officials in elections to the Legislative Council. In view, however, of the provisions of the electoral rules in regard to undue influence, the Government do not consider that any further rules are required.

S. P. O'DONNELL,

Finance Member.

ESTABLISHMENT OF A BENCH OF HONORARY MAGISTRATES FOR BAREILLY CANTONMENT.

* 2. **Pandit Nanak Chand:** (i) Has the Government received from the District Officer of Bareilly a recommendation regarding the constitution of a bench of honorary magistrates to exercise jurisdiction within the limits of Bareilly cantonment?

(ii) If so, how have the Government dealt with it?

(iii) Does Government intend to establish a bench there at all in the near future?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: (i) Yes.

(ii) Before action had been taken on the recommendation the district magistrate reconsidered his opinion and modified his view. In this he was supported by the commissioner, and Government therefore took no further action in the matter.

(iii) Government will consider the question if a further recommendation is at any time made to them by the district authorities.

ELEMENTARY INDUSTRIAL SCHOOLS FOR DEPRESSED CLASSES AT HAPUR AND KHURJA.

* 3. **Pandit Nanak Chand:** (i) Is it a fact that the secretary, Hindu depressed classes mission, Delhi, submitted a scheme to the Board of Industries for starting two elementary industrial schools for depressed classes at (a) Khurja, district Bulandshahr, and (b) Hapur, district Meerut, in January, 1925?

(ii) Is it a fact that the Board of Industries submitted to the Minister in charge a recommendation in this connexion in September, 1925? If so, what was the recommendation?

(iii) Is it a fact that the secretary of the depressed classes mission addressed the Hon'ble Minister in this connexion on February 6, 1926? If so, to what effect?

(iv) Was any reply sent to the secretary of the mission to his letter, dated February 6, 1926? If so, to what effect?

(v) What steps, if any, do Government intend to take to expedite the opening of the said schools at Hapur and Khurja respectively?

Hon'ble Thakur Rajendra Singh : (i) Yes.

(ii) Yes, in connexion with the proposed school at Khurja only. The Board of Industries recommended a grant of Rs. 960 recurring, and Rs. 1,500 non-recurring with effect from the year 1926-27.

(iii) Yes, the secretary requested that the proposal might be sanctioned at an early date.

(iv) Yes, the secretary was told that the proposal was received too late to make provision in the budget for 1926-27 and that the Government will include it in the schedules for 1927-28.

(v) Government will act as stated in paragraph (iv).

Pandit Nanak Chand : Will the Hon'ble Minister be pleased to give this grant for the year 1926-27?

Hon'ble Thakur Rajendra Singh : I have already said that the proposal was too late for 1926-27.

Pandit Nanak Chand : Will the Hon'ble Minister get this money by means of a supplementary estimate?

Hon'ble Thakur Rajendra Singh : I want notice.

PUBLIC LIBRARY FUND, BULANDSHAHR.

* 4. **Pandit Nanak Chand :** (i) Is it a fact that Mr. Dobbs, late District Magistrate, Bulandshahr, issued an appeal before the district centenary in February, 1924 in which he stated that he wanted donations, firstly to equip the new Prince of Wales' hospital, secondly, for Roberts' Soldiers reading room, and lastly, for a public library at Bulandshahr?

(ii) Is it a fact that Mr. Dobbs announced at the annual district exhibition darbar, held in February, 1924, that the balance left after meeting the expenditure under the first two of the three objects would be utilized for a public library at Bulandshahr?

(iii) Is it a fact that Mr. Dobbs announced in his district exhibition darbar speech in 1925 to the effect that he was leaving a fund for public library constituted out of the balance raised on his appeal?

(iv) Did Mr. Dobbs leave some of his personal books for the library? Did he deposit this public library fund as such with the Imperial Bank, Bulandshahr branch? What was the amount of the fund?

(v) When, how, and for what purposes has this public library fund been utilized? Do Government approve of the purposes?

Hon'ble Sir Samuel O'Donnell : (i) Mr. Dobbs raised two funds: one for the equipment of the Prince of Wales' hospital and the other for the erection of a reading-room for Indian military officers. It was intended

to use the balance of the latter fund to assist in founding a public library in Bulandshahr.

(ii) and (iii) The Government have no information. Inquiry has been made, but no record of the announcement is extant.

(iv) Yes, Mr. Dobbs left 41 books for this purpose. The balance of the Roberts' reading room fund (Rs. 3,400) was deposited by Mr. Dobbs in the Bulandshahr branch of the Imperial Bank in an account called the Bulandshahr Library Fund.

(v) Rupees 1,500 have been invested by the present Collector in post office cash certificates for the purpose of completing the Roberts' reading room scheme. The balance has, with the assent of the majority of the subscribers, been transferred to a new zenana hospital at Bulandshahr. All the subscribers were addressed and none objected. The Government find nothing to object to in the objects of these funds.

MUMFORD TENNIS CLUB, BULANDSHAHR.

* 5. **Pandit Nanak Chand**: (i) Is it a fact that there is a tennis club at Bulandshahr named after Mr. Mumford, late District Magistrate, of which a number of Indian gazetted and non-gazetted Government officials, a certain number of members of the Bar and local gentry are members?

(ii) Is it a fact that the municipal board, Bulandshahr, has allowed the use of part of the ground in Moti bagh for the use of the Mumford tennis club, and the club maintains the ground?

(iii) Is it a fact that the municipal board got the playground of the tennis club fenced with iron wires at a cost of about Rs. 250 to prevent trespass on the playground by men and cattle?

(iv) Is it a fact that the Commissioner, Meerut division, has vetoed the resolution of the board regarding the wire-fencing of the playground? If so, for what public reason?

(v) Are municipal boards prohibited from incurring such expense for protecting places meant for the amusement and recreation of the residents of a municipal area?

(vi) Is it proposed by the order of veto that the board should remove the wire fencing? If not, what action is contemplated?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made; the information is not yet available.

* 6. **Pandit Nanak Chand**: [*Transferred to the agenda of April 8, 1926.*]

DEPUTY MAGISTRATES IN IRRIGATION DEPARTMENT.

* 7. **Pandit Nanak Chand**: (i) What is the total number of deputy magistrates in the Irrigation department and what are the numbers of Hindus, Muslims and Christians holding the post?

(ii) What is the method of recruitment?

(iii) Do Government intend to consider the advisability of constituting a selection board for this post?

Hon'ble Sir Samuel O'Donnell: (i) Sixteen. Of these four are Hindus, eleven Muslims and one an Indian Christian.

(ii) Deputy Magistrates are recruited by careful selection from 1st and 2nd grade ziladars.

(iii) No. Government does not consider this necessary.

HINDU FUNERAL PROCESSION AT NAINI TAL.

* 8. **Pandit Nanak Chand** : (i) Has the attention of the Government been drawn to a notice issued by Cantonment Magistrate, Naini Tal, under section 118 (1) (g) and (h) of Cantonment Act requiring funeral processionists proceeding along the provincial road to burning *ghat* at Kala Khan between 9 p.m. and 5 a.m. to abstain from shouting their usual funeral utterance from Talli Tal post office to Tara Lodge ?

(ii) Is the Government aware that this order is contrary to the Hindu religious usage and has caused dissatisfaction among Hindus ?

(iii) When and what steps, if any, do Government intend to take to get the said order withdrawn ?

Hon'ble Sir Samuel O'Donnell : (i) Yes. The notice applies to a length of road measuring 400 yards only. It is two miles from Talli Tal to the burning *ghat*.

(ii) No. Funerals are not common from 9 p.m. to 5 a.m.

(iii) None. The order is designed to secure a number of bungalows close to the road from disturbance during the night. It was found that children were awakened and frightened, and the order referred to was consequently passed under section 118 (1) (g) and (h) of the Cantonment Act, 1924.

Pandit Nanak Chand : Is it a fact that under the local rules dead bodies are required to be removed within a few hours of death and residents are compelled to take out their dead bodies immediately ?

Hon'ble Sir Samuel O'Donnell : I do not know. I ask for notice.

Pandit Nanak Chand : Will the Government consider the advisability of modifying those rules if they are of this nature ?

Hon'ble Sir Samuel O'Donnell : I do not think that this particular order affects the matter in the slightest degree.

TOWN HALL, BULANDSHAHR.

* 9. **Pandit Nanak Chand** : (i) Will the Government be pleased to state the time since when the district magistrate has taken over charge of the town hall, Bulandshahr, from Bulandshahr municipal board ?

(ii) Since when had the municipal board been maintaining the said town hall ?

(iii) Why was the municipal board deprived of the control and maintenance of the town hall ?

(iv) When and on what conditions, if any, is the town hall proposed to be restored to the municipal board, Bulandshahr ? If the reply be in the negative, then how is it proposed to control and maintain the town hall ?

(v) What were the objects for which the town hall was built by Raja Baqar Ali Khan of Panrawal ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made ; the information is not yet available.

MEDICAL SCHOOL, AGRA.

* 10. **Pandit Bhagwat Narayan Bhargava** : Is the Government aware of the demands of the United Provinces branch of the All-India

Medical Licentiates' Association for raising the course of Agra Medical School from four to five years?

* 11. Is it a fact that the United Provinces Medical Council has approved of it in its resolutions, dated November 24, 1925?

* 12. Is it a fact that the Inspector-General of Civil Hospitals created a new constitution of a State Medical Faculty for the United Provinces?

* 13. Was the United Provinces Medical Council consulted on that point? If not, why not?

* 14. Will the Government be pleased to state the principles on which and the objects with which this faculty was created?

* 15. Is the Government aware that the United Provinces Medical Council has protested against this action of the Inspector-General of Civil Hospitals?

* 16. Is it the intention of the Government that the curriculum of the Medical School, Agra, must be recognized by the General Medical Council of Great Britain before the five years scheme can be sanctioned? If so, why?

* 17. Will the Government be pleased to state what action has the Government taken or does it propose to take regarding this matter? If none, why not?

Hon'ble Rai Rajeshwar Bali : An answer will be given at a later date.

OFFICIAL INTERFERENCE WITH ELECTIONS TO LOCAL BOARDS.

* 18. **Pandit Govind Ballabh Pant** : Has the Government appointed any officer to make an inquiry into the allegations of official interference in elections to local boards in certain places?

Hon'ble Nawab Muhammad Yusuf : An answer will be given at a later date.

RULES RELATING TO THE SALE OF FOREST PRODUCE.

* 19. **Pandit Govind Ballabh Pant** : Will the Government be pleased to lay a copy of the rules regarding sale of forest produce on the table?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Sale rules are published in the sale lists of each division and vary slightly. The last sale notice of any division in which he may be interested can be supplied to the honourable member if he desires.

REDUCTION OF CANAL DISTRIBUTARIES.

* 20. **Pandit Govind Ballabh Pant** : Have the distributaries from the canals to the settled villages been reduced in number or narrowed since the settlement of 1913-14? How long had the old distributaries been in existence? Was the change made with the consent of the zamindars? Is it the intention of Government to restore the original number and size?

Hon'ble Sir Samuel O'Donnell : (1) No.
(2), (3) and (4) do not arise.

CASES CHALLANED BY POLICE UNDER SECTIONS 372, 373, I. P. C.

* 21. **Pandit Govind Ballabh Pant** : How many cases under sections 372, 373, Indian Penal Code, were challaned by the police in 1924-25 and since?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The figures are—

1924 ..	..	..	..	..	..	..	4
1925 ..	..	..	..	..	..	..	8
1926 (to date) ..	..	..	..	..	..	..	2

CULTIVATION IN THE RAMNAGAR FOREST DIVISION.

* 22. **Pandit Govind Ballabh Pant :** Are there any areas within the reserved forest in the Ramnagar Forest division which are used for purposes of cultivation? How long have they been so used? Is it the intention of the Government to restore them to the cultivators or to disafforest them so that a settlement may be made in respect of them by the civil authorities?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : There are a number of small areas in the reserved forests of the Ramnagar division in which cultivation is permitted. One of these has been leased for 30 years from October 1, 1925. For the others annual permits to cultivate are issued. The dates from which these areas have been cultivated vary. It is not intended to disforest these areas or to give them up to the cultivators.

VOTING QUALIFICATIONS IN THE BHABAR.

* 23. **Pandit Govind Ballabh Pant :** Does the tenure in settled villages in the Bhabar agree with that obtaining in the hills? Is there any disparity as regards qualifications for voters in the two places? Is it the intention of the Government to remove it?

Hon'ble Sir Samuel O'Donnell : Government understand that, broadly speaking the tenure in the settled villages of the Bhabar is similar to that in the hills. There is disparity in voting qualifications in the two areas; in the hill patts all *hissedars* and *khaikars* have a vote, while in the settled villages of the Bhabar annual revenue of Rs. 25 or annual rent of Rs. 50 is the minimum qualification. Government do not consider it necessary to make any change, because, owing to the prevailing system of cultivation through *sajhis*, nearly every person who holds land in the Bhabar has a vote in the hill patts.

RIGHTS OF HILLMEN IN THE BHABAR AS TO FOREST PRODUCE.

* 24 **Pandit. Govind Ballabh Pant :** Was it stipulated at the time of the forest settlement in Bhabar that hillmen would be entitled to get material for mats, baskets, etc., from the forests without any hindrance or charge? If so, is this condition being fulfilled?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : It was not stipulated at the time of the forest settlement that hillmen other than right-holders would be entitled to get materials for mats, baskets, etc., from the forests without any hindrance or charge. It was recorded that "the hillpeople have the privilege of taking up baskets, sieves, mats and such like petty articles manufactured at Ramnagar, Haldwani and Chor-galia for their own use free of duty." This privilege is not being interfered with.

ROADS IN BASTI.

* 25. **Maulvi Abdul Hakeem** : Is the Government aware that there is only one main road in the town of Basti and that at least two diversion roads are urgently required for the improvement and sanitation of the town ?

Hon'ble Rai Rajeshwar Bali : There is one main road. One diversion road is needed.

* 26. **Maulvi Abdul Hakeem** : Is the Government aware that this reform has been put off so long simply on account of want of funds ? Has the Government received any application for financial help from the district authorities ? Is it the intention of the Government to give necessary funds to the town area of Basti either as a grant or as a loan in the near future ?

Hon'ble Rai Rajeshwar Bali : Want of funds is one but not the main reason for the postponement of the report. The Government have received no application and can express no opinion regarding the allotment of a grant or loan.

PLAGUE IN BASTI.

* 27. **Maulvi Abdul Hakeem** : Is the Government aware that the town of Basti is visited by plague every year ? Has the Government ever tried to find out the causes of this evil ? Is it the intention of the Government to take some measures to combat this evil ?

Hon'ble Rai Rajeshwar Bali : Basti is visited by plague every year. No special inquiry has been undertaken to discover the causes, but the district medical officer of health reports that they are the same as anywhere else. A health officer has been appointed by the district board and looks after the town.

ACCOMMODATION FOR BAR, PARTIES AND WITNESSES AT BASTI.

* 28. **Maulvi Abdul Hakeem** : Has the Government provided the members of the Bar in any district with a common room at its own expense, and, if so, in what places ?

* 29. Is the Government aware that there is no shed or house in the civil court compound at Basti for witnesses or parties such as are provided in other places by the Government for them ?

Is it the intention of the Government to provide a common room for the members of the Bar, and a shed for parties and witnesses ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The information is not yet available.

REPRESENTATION OF INDIAN CHRISTIANS ON LOCAL BOARDS.

* 30. **Mr. H. David** : Will the Government be pleased to state to what, if any, local boards, municipal and district, have Indian Christian representatives been nominated as members ?

* 31. Has the Government received recommendations for such nominations, and, if so, for what places ?

* 32. Will the Government be pleased to state if it is intended to make further nominations in suitable places to represent the Indian Christian community, and, if not, why not?

Hon'ble Nawab Muhammad Yusuf : An answer will be given at a later date.

CLERICAL STAFF OF THE FOREST DEPARTMENT.

* 33. **Thakur Hukum Singh :** Will the Government be pleased to lay a statement on the table showing the following:—

(a) the total number of posts of head assistants in the Forest department of the province;

(b) the total number of head clerks in the said department in the province, together with their names and the dates of their substantive appointment as such?

The list should be prepared according to the seniority of the officials concerned as it stood on January 1, 1926?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Four.

(b) Twenty-two. A statement showing their names and the dates of their substantive appointment as head clerk is laid on the honourable member's table.

(See Appendix A, page 276.)

* 34. **Thakur Hukum Singh :** (a) Will the Government be pleased to state whether the post of the head assistant of the Kumaun circle office fell vacant after January 1, 1926?

(b) If so, will the Government kindly state who has been put in there, together with the post from which he has been promoted and also his position previous to the above arrangement in the graded list maintained according to seniority?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Yes.

(b) Thakur Rajendra Singh Rawat, the senior assistant clerk in the Kumaun circle, Direction division office, officiated from January 15 to February 6, 1926. From the latter date Pandit Lakshmi Datt Pant has been appointed to officiate as head assistant.

Pandit Lakshmi Datt Pant was formerly in the 3rd grade of head clerks, being fourth in the list of that grade.

* 35. **Thakur Hukum Singh :** (a) Is it a fact that the post of head assistant of Kumaun circle office fell vacant at times during the last six years on account of illness of the permanent incumbent?

(b) If so, will the Government kindly state the name and the designation of the gentleman who officiated in that post, and also whether the gentleman now appointed to that post ever officiated as head assistant?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Yes.

(b) (i) A statement is laid on the honourable member's table.

(ii) No.

(See Appendix B, page 276.)

REPRESENTATION OF DEPRESSED CLASSES IN BAHRAICH MUNICIPALITY.

* 36. **Thakur Hukum Singh:** (a) Will the Government be pleased to state whether any representative of the depressed class is elected or nominated by the Government in the municipal board of Bahraich?

(b) If so, will the Government kindly state the name of the gentleman representing the depressed class on the said board?

Hon'ble Nawab Muhammad Yusuf: (a) A member of the depressed classes has been elected and a lady has been nominated by Government to represent the interests of these classes.

(b) The name of the lady nominated by Government is Mrs. Ram Sarup Srivastava.

UNSTARRED QUESTIONS.**TEXT-BOOK COMMITTEE.**

1. **Pandit Nanak Chand:** What is the present constitution and personnel of the Text-Book Committee?

Kunwar Jagdish Prasad: The honourable member is referred to the Press *communiqué*, dated December 4, 1924, a copy of which is laid on his table.

(See Appendix C, page 277.)

SECRETARIES OF CO-OPERATIVE SOCIETIES.

2. **Pandit Nanak Chand:** With reference to starred question No. 36, dated February 25, 1926, will the Government be pleased to state the number of secretaries of co-operative societies selected for training?

Kunwar Jagdish Prasad: Three were selected.

DISCHARGE OF SEWAGE WATER INTO THE GANGES AT BENARES.

3. **Pandit Nanak Chand:** Do Government contemplate taking any steps to prevent the sewage water being discharged into the Ganges at Benares and to start a sullage farm?

Mr. G. B. F. Muir: The Government are examining a suggestion made by the Benares municipal board to prevent sewage being discharged into the Ganges within miles upstream of the water-works intake station at Bhadani. There is no proposal for a sullage farm before Government.

4. **Pandit Nanak Chand:** [Transferred to the agenda of April 8, 1926.]

COMMUNAL REPRESENTATION IN DIFFERENT SERVICES.

5. **Pandit Nanak Chand:** Will the Government be pleased to lay a statement on the table showing the number of Hindus, Muslims, Anglo-Indians and Christians with the grand total for each class of officers?

(a) Naib-tahsildars.

(b) Tahsildars.

(c) Deputy collectors.

(d) Deputy collectors (holding listed posts).

Mr. G. B. Lambert :

	Hindus.	Muslims.	Anglo-Indians.	Indian Christians.	Total.
(a) Naib-tahsildars	123	91	..	3	217
(b) Tahsildars	95	105	..	4	204
(c) Deputy collectors	222	169	26	7	424
(d) Deputy collectors holding listed posts ..	1	2	..	1	4

6. **Pandit Nanak Chand** : Will the Government be pleased to give the number of Hindu, Muslim and Christian sub-registrars with the total number of sub-registrars in the provinces? And the number of sub-registrars recruited during the last two years from each community (a) by nomination and (b) by selection?

Mr. G. B. F. Muir : Inquiry is being made; the information is not yet available.

7. **Pandit Nanak Chand** : [*Transferred to the agenda of April 8, 1926.*]

8. **Pandit Nanak Chand** : Will the Government be pleased to state—

(i) the total number of (a) inspectors of schools, (b) assistant inspectors of schools, (c) deputy inspectors of schools, (d) sub-deputy inspectors of schools, and the number of Hindus, Muslims and Indian Christians in each class;

(ii) the number of the various ranks of inspecting officers for Muslim and depressed class education respectively?

Kunwar Jagdish Prasad :

	Total number.	Hindus.	Muham-madans.	Indian Christians.
(i) Inspectors of schools ..	8	..	2	..
Assistant inspectors ..	10	7	3	..
Deputy inspectors ..	48	41	6	1
Sub-deputy inspectors ..	195	180	64	1

(ii) Inspecting officers for Muslim education. (a) One inspector of Muhammadan schools, United Provinces.

(b) Nine deputy inspectors of Muhammadan schools. There are also three supervisors of *maktabs*, appointed by the district boards.

Inspecting officers for schools for the depressed classes.

The district inspecting staff is responsible for this class of institutions as for other district board schools in the district. In addition, some district boards employ supervisors for schools for the depressed classes; the number is approximately 40.

PENSIONS FOR COLLECTORATE COPYISTS.

9. **Pandit Nanak Chand** : From what date do Government propose to make the posts of collectorate copyists pensionable?

Mr. K. G. Harper : The honourable member is referred to the reply given on March 12, 1926 to starred question No. 84 asked by Babu Bhagwati Sahai Bedar Sahib.

(Copy of starred question No. 84 of March 12, 1926, asked by BABU BHAGWATI SAHAI BEDAR SAHIB, and the answer given thereto.)

QUESTION.

Is the Government aware that no action has hitherto been taken on the assurance given by them in respect of making the posts of copyists of the civil and revenue courts pensionable? If so, will the Government be pleased to state a definite date when they are going to issue clear orders regarding this matter?

ANSWER.

The honourable member is referred to the replies given on December 16, 1925 to starred questions Nos. 75 and 119.

The demand has now been passed into the budget, and effect will be given to the proposals from April 1, 1926, if the Council votes the money.

(Copy of starred question No. 75 of December 16, 1925, asked by PANDIT SRI KRISHNA DUTT PALIWAL SAHIB, and the answer given thereto.)

QUESTION.

Does the Government intend to make the post of the copyists of the collectorates pensionable? If so, when?

ANSWER.

The cost involved in the proposal has been approved for inclusion in the schedule of new demands for 1926-27, and if this item is passed by the Council, the posts will be made pensionable with effect from April 1, 1926.

(Copy of starred question No. 119 of December 16, 1925, asked by BABU BHAGWATI SAHAI BEDAR SAHIB, and the answer given thereto.)

QUESTION.

Will the Government be pleased to state as to when they are going to give effect to their promise of making the posts of copyist in the civil and revenue courts pensionable?

ANSWER.

With reference to copyists in collectorates the honourable member is referred to the answer given to starred question No. 75 of date. Similar arrangements have been made in the case of civil court copyists.

NOMINATIONS TO LOCAL BOARDS.

10. **Pandit Nanak Chand :** Will the Government be pleased to lay a statement on the table showing the names of nominated members of the municipal and district boards in these provinces, with the castes of such members belonging to the depressed classes in each case?

Mr. G. B. F. Muir : A statement is laid on the honourable member's table.

(See Appendix D, page 279.)

SUB-DIVISIONAL OFFICERS IN BULANDSHAHR.

11. **Pandit Nanak Chand :** (a) What is the total of Hindu and Muslim population respectively in Bulandshahr district?

(b) Is it a fact that up to December, 1921 there used to be only one Muslim sub-divisional officer in the district?

(c) What have been the maximum and minimum number of Muslim sub-divisional officers in the years 1922, 1923, 1924 and 1925 respectively?

Mr. G. B. Lambert :

(a) Hindus	...	...	...	855,062
Muslims	...	...	...	199,041

(b) The Government have no information. Even an examination of the Civil Lists from 1900 onwards would require scrutiny of 84 volumes of that publication.

(c) Figures for deputy collectors are given below. The Government receive no information regarding the appointment of sub-divisional officers :—

Year.			Maximum number of Muslim deputy collectors.	Minimum number of Muslim deputy collectors.
1922	..	..	8	1
1923	..	..	4	2
1924	..	..	2	2
1925	..	..	3	2

SUPERSESSION IN CLERICAL STAFF OF IRRIGATION SECRETARIAT.

12. **Babu Parsidh Narayan Anad** : Is the office of the Secretary, Irrigation branch, a part of the Secretariat, and, if so, are the rules regarding the recruitment of clerks similar to those in the Civil and Buildings and Roads Secretariats ?

Hon'ble Sir Samuel O'Donnell : Yes. There are no hard and fast rules in the Irrigation Secretariat.

13. **Babu Parsidh Narayan Anad** : Is it a fact that a clerk from the subordinate office of the Irrigation branch has been recently appointed directly to the reference clerk's grade in the Irrigation branch Secretariat, and is it also a fact that this clerk has superseded some of the clerks of the Secretariat who were already in the reference clerk's grade ? What are the reasons for this supersession ?

Has this man been tried as a reference clerk in the Secretariat ?

Hon'ble Sir Samuel O'Donnell : Yes. The clerk referred to was senior in service and his record was better than those whom he superseded. He had not been tried as reference clerk before this appointment.

14. **Babu Parsidh Narayan Anad** : Is it also the practice in the Civil and Buildings and Roads Secretariats to recruit clerks directly to the reference clerk's grade of the subordinate service ? If not, why has a departure been made in the Irrigation branch Secretariat ?

Hon'ble Sir Samuel O'Donnell : There are no hard and fast rules, and in this case a better and more senior man was taken from a circle office.

15. **Babu Parsidh Narayan Anad** : Was any representation made against the recruitment from subordinate offices directly to the reference clerk's grade in the Irrigation branch Secretariat ? What orders were passed on the representation ?

Hon'ble Sir Samuel O'Donnell : Yes ; that clerks in the Secretariat must take their chance with clerks in the circle and divisional offices.

IMPROVEMENT TRUST, LUCKNOW.

16. **Khan Bahadur Maulvi Fasih-ud-din** : (a) Is it a fact that the estate of Mr. Labanti of Lucknow on the Station road was forfeited under the order of the Chairman of Lucknow Improvement Trust, and possession taken over by the Executive Officer on or about May 26, 1924 ?

(b) If so, was the sanction of the Government obtained?

17. (a) Is it a fact that Mr. Labanti is still in possession of that estate?

(b) If so, was the second lease given with the sanction of the Government as required by section 1816 of Nazul rules, Department 13, Vol. II of the Manual of Government Orders?

18. What were the reasons for re-letting the property simultaneously with its forfeiture?

19. (1) How many nazul cases were instituted in civil court by Lucknow Nazul department during the last six years?

(2) What was their cost and their result?

Mr. G. B. F. Muir: Inquiry is being made; the information is not yet available.

GOVERNMENT'S ACTION ON RESOLUTIONS ADOPTED BY COUNCIL.

20. **Raja Sri Krishna Dutt Dube**: Will the Government be pleased to lay on the table a statement showing the number of resolutions adopted by the Council during the last two years of its sessions which have been given effect to?

Mr. K. G. Harper: A statement is laid on the table.

(See Appendix E, page 281.)

ISLAMIA SCHOOLS AND *maktabs* IN PILIBHIT.

21. **Khan Bahadur Maulvi Fasih-ud-din**: Will the Government be pleased to furnish a statement showing the number of Islamia schools and *maktabs* in the Pilibhit district and the total amounts allotted for and spent on them during each of the last five years?

Kunwar Jagdish Prasad: A statement is laid on the table of the honourable member.

(See Appendix F, page 286.)

22. **Khan Bahadur Maulvi Fasih-ud-din**: Is it a fact that the district board of Pilibhit has refused several applications for the establishment of new Islamia schools and *maktabs* in Pilibhit district?

Kunwar Jagdish Prasad: The number of applications for the establishment of new Islamia schools and *maktabs* refused by the district board, Pilibhit, during the year 1924-25 was five, and during 1925-26 nil.

RETRENCHMENT IN VARIOUS DEPARTMENTS.

23. **Khan Bahadur Maulvi Fasih-ud-din**: Will the Government be pleased to state how many Government servants were removed from their posts in connexion with the retrenchment scheme in the Revenue, Judicial, Police, Forest, Industries and Excise departments during the past four years?

24. How many of those servants belonged to the menial, clerical and superior gazetted staff respectively?

25. How many of the reduced servants were given re-employment elsewhere, how many of them were given reduced pension, and how many of them were left completely unprovided for?

Mr. E. A. H. Blunt: Government have not yet received complete information. They will supply it to the honourable member when available.

THE BUDGET, 1926-27.

DISCUSSION OF DEMANDS FOR GRANTS.

Demand No. 29.

HEAD 22.—GENERAL ADMINISTRATION.

Motion No. 34.—Not moved.

Motion No. 35.

Pandit Nanak Chand : I move that the demand concerning "Total commissioners" (voted) at page 44 of the civil Detailed estimates be reduced by Rs. 1,68,882. If honourable members will be pleased to turn to page 44, they will find that under the head "Total commissioners" the voted amount is Rs. 3,37,764. The amount that I propose to reduce is just half of this voted amount. The object with which I have moved this motion is to bring home to the Government the expediency of abolishing five commissionerships. This is an old matter, and I need not worry the Council by going into the old history of this question. I think that it is sufficient for my present purposes to state that the first Council wanted the post of commissioners to be abolished altogether. In connexion with that demand, the Government appointed a committee to go into the details of the duties of commissioners, and the official and non-official members came to a unanimous conclusion to abolish five commissionerships. Non-officials agreed to this in the hope that by this compromise something at least would be achieved. The non-official members have brought this matter to the notice of the Government in this House, and the replies that they have been consistently receiving from the official side are, as usual, evasive and unconvincing. After the committee submitted its report, the Government took considerable time in examining it, and when they had examined it and the demand was made by the Council that the hope created in the minds of the non-official members by the officials on the committee on behalf of the Government should be fulfilled, we were told that commissioners were members of all-India services and that their case could not be decided by the Local Government without the sanction of the higher authorities, and that those authorities could not do anything unless and until the Lee Commission had reported and the report was considered. The Lee Commission have reported. Their recommendations, as far as they went to the advantage of the all-India services, have, in most cases, been given effect to, at a stroke of pen without any delay. The Government had no difficulty in finding money for those recommendations, and the Government of India Act, which is sacrosanct and which cannot be touched when Indians demand for its revision in connexion with constitutional reforms, was with a great hurry amended to the advantage of the all-India services. Now, when after the Lee Commission recommendations had been disposed of this question was again a subject of interpellations, the Government replied that the Government cannot take any steps until and unless they have seen the effect of the proposed tenancy and revenue legislation on the amount of commissioners' work. This is the latest unconvincing excuse that has been trotted out by the Government. The Commissioners' Committee, which took into account the amount of work under the present rent and revenue laws on the subject, recommended the abolition of five commissioners. I want to inquire from the

[Pandit Nanak Chand.]

Hon'ble the Finance Member whether they have purposely so designed the draft Bills as to increase the amount of work of commissioners, or were there any peculiar circumstances in which they were so placed as to make provisions in the draft Bills which are likely to increase the amount of litigation instead of reducing litigation, which I consider to be the avowed object of the two Bills, more particularly in the case of the Agra Tenancy Bill. If the Government want to treat us fairly, they ought to, and they are in duty bound to, give effect to the unanimous recommendations of the Commissioners' Committee. I could have brought my motion asking for the reduction of a token amount of (say) one rupee or Rs. 10, but finding the attitude of the Government to be such which leaves me to conclude that they are not going to do anything I have brought this motion. I know that even if this motion is carried by the Council, it will be certified by His Excellency, who will have to give reasons for doing so; the Government will not accept this reduction and will not give effect to it in the budget year. But I want to press for this reduction with the object of entering a most emphatic constitutional protest against the continued indifference on this point to the wishes of the House on the part of the Government.

I hope, bearing that end in view, the honourable members of the House will give their support to this motion and will press for it.

Hon'ble the President : If it is only to record a constitutional protest, the best form would be to move a token reduction.

Lala Babu Lal : I beg to ask the permission of the House to amend the motion by substituting Rs. 10 for Rs. 1,68,882.

Pandit Nanak Chand objected to the amendment.

Hon'ble the President : Notice of a similar motion was given by Bhaya Hanumat Prasad Singh who has not moved it. As the amendment is exactly the same and has not been newly sprung upon the House, only the mover is different, I permit it to be moved.

Lala Babu Lal : I think that if we omit such a large amount as Rs. 1,68,882 the House will not be recording its opinion on this question properly. We want only to record an emphatic opinion against the attitude of the Government, and for this purpose I think a nominal cut of Rs. 10 is only necessary.

There was a question in the Legislative Assembly on September 1, 1925, and in reply to it the Government of India said that while they were not prepared to agree to the abolition of commissionerships generally, they would consider proposals from the Local Government for the reduction of any particular post. The interpretation which the Local Government has put upon this reply is that they are not even prepared to reduce the five posts that were recommended by the committee for the abolition of commissionerships unanimously. On that committee there were some of the most senior members of the Civil Service and commissioners of these provinces, and I think that when they made that recommendation they had properly thought over the question. They had taken into consideration the fact that the work of the commissioners could be

properly taken by the five remaining commissioners. Therefore our Local Government wants to go behind the unanimous decision of that body. I say that is not the right attitude. The Local Government should recommend to the Government of India that they are prepared to reduce and should reduce the five posts. And if the Government of India do not accept that proposal, we shall know what to do in the matter.

The second point is that the Government is taking a waiting attitude. It says that when the Tenancy legislation is passed the amount of litigation will be reduced, and so the question of the abolition of commissioners should wait till then. I say:—"Why should it wait"? There is the recommendation before us that a number of commissionerships ought to be reduced, and if litigation is reduced by the passing of the Tenancy Act, the number sought to be reduced will be increased, and not decreased, because the work of the commissioner will be further reduced. This is the attitude that we, the non-official members, take upon this question. Therefore the number of commissionerships should be immediately reduced by five, and if after this Tenancy legislation is passed and it is found that any more commissionerships can be still further reduced, that could be done then. I therefore submit the proposal for the acceptance of the House and would request the Government to be pleased to give up this waiting attitude which is not justified and causes suspicion.

Hon'ble Sir Samuel O'Donnell : The first point which I wish to make is that the honourable member for Bulandshahr, if he desired to press for the reduction of the number of commissioners, as he apparently does, would have been better advised to move a nominal reduction rather than a reduction of Rs. 1,68,000. He has proposed the reduction of half the expenditure under this head. That means, if his proposal were accepted, that half the establishment of commissioners would have to be abolished straight away from April 1. Now I can hardly think that the honourable member himself desires that half the establishment of the commissioners should be turned into the streets straightaway. He will doubtless recognize, and if he does not recognize, the Council will recognize, that even if the view were accepted that the number of commissioners should be reduced by half, a change like that could not be carried out until a considerable time had elapsed, and that therefore even if it were agreed that five commissioners should be abolished, it is quite impossible to cut down the expenditure by Rs. 1,68,000. Apart from that, Sir, I must remind the Council of the decision of the Government of India in this matter. Mr. Burn in a recent debate explained what that decision was. But as the question has been raised again and as the effect of that decision does not seem to be clearly understood, I must again refer to it. The Government of India have definitely stated that they are not able to agree to the abolition of the post of commissioner. They are prepared to consider on the merits a proposal for the reduction of any particular post. But that is all they are prepared to consider. In my opinion that decision clearly rules out the proposals of the committee that half the commissionerships should be abolished. Further, it is clear from the report itself that the official members reluctantly concurred in that recommendation, and I believe myself that it would have substituted an inferior agency for the hearing of rent and revenue appeals, and that it would not have been possible for the remaining commissioners to do justice to other important duties which they have to perform. I know

[Hon'ble Sir Samuel O'Donnell.]

that this is not a matter which can be fully explained during the course of a short speech. I know that it is difficult for any one who has not been in intimate touch with the administrative machinery to realize the extent and importance of the duties which the commissioner has to discharge. I would, however, invite the attention of honourable members to paragraph 28 of the report on commissioners, and in particular to the following passage :—

“ The fact is that no account of the functions of the commissioner under separate headings can bring out adequately his main general functions as local intermediary between Government and the districts and their staff. Without him relations would necessarily be largely bureaucratic. The districts are too small, too numerous and isolated and too varied to permit of their being otherwise. It is the commissioner's duty as an intermediary to co-ordinate and remove misunderstandings, to act as consultant in cases where practical difficulties arise, and generally to explain Government to the man on the spot and the man on the spot to Government. The Secretariat staff cannot perform these functions ; increasing pre-occupation of members of Government in political and other work at headquarters renders it impossible for them to discharge them adequately. The enlargement of the Councils and the progress of democratic control over administration give rise to severe criticism of official actions. Where the acts of the district staff are questioned, a second opinion by a responsible officer with local knowledge is of great value. The functions detailed above in respect of suspensions and remissions of revenue and demands for taqavi and also in respect of riots and famine may be described as emergency functions. It is important to realize that these form part of the security functions of Government. Not only is it of vital importance that they should be discharged with adequate safeguards against injudicious action and failure to appreciate conditions, but it is even more important that early symptoms of deterioration should be detected and remedies applied in time. The situation before it develops fully is often more difficult to handle than in the acute stages, and it is in the initial stages that the functions of the commissioner as local agent of Government in touch with conditions and in personal contact with the staff are of primary importance. These remarks apply equally to uncertain situations due to physical causes and to those occasioned by the clash of human interests. The mere casual deputation of a member of the headquarters staff not in touch with local conditions to supervise operations when disaster has occurred can in no way compensate for the loss of the local agent in continuous touch with local conditions. As matters stand at present there is a tendency to develop the machinery of criticism and weaken the machinery of action—a fatal policy to pursue in the case of vital functions essential to the security of the community. The members of the committee holding this view were strengthened in their opinion by the report of the Decentralization Commission. The proposal for the abolition of commissioners was a matter which came prominently to notice in the evidence taken before that Commission, and the conclusion arrived at was that it is essential not only to retain commissioners, but to give them larger powers both financial and administrative.”

That is an admirable statement of the functions of the commissioner, and I believe not only that it would be the greatest possible mistake to abolish all commissioners, but that the sweeping reduction proposed by

the committee would also be a profound error. In any case the proposal of the committee in my judgement is entirely ruled out by the decision of the Government of India. It is perfectly obvious that any such proposal would not be considered by the Government of India. The only proposal which they are prepared to consider is the proposal for the reduction of a particular post if arrangements can be made by redistribution for the work of that appointment. That is a matter which we propose to consider if and when the Agra Tenancy Bill has been passed and after we had some experience of its working. I do not understand the reference of the honourable mover to that Bill. He seemed to suggest that the object of the Bill is to increase litigation. Of course that is not so. One of the main objects of the Bill is to decrease litigation. We hope that it will substantially reduce the volume of appellate work coming before commissioners. The appropriate time therefore to consider this question is after the Bill has been passed and when we have had some experience of its working. If our anticipations are fulfilled and there is a substantial reduction in the amount of appellate work, then it may be possible to make some reduction. I do not think it will be possible otherwise. It may however be possible after the Bill has passed, and if there is in consequence a reduction in the volume of appellate work.

Rai Bahadur Thakur Mashal Singh : From the speech of the Hon'ble the Finance Member I infer that the question of the abolition of commissioners has been decided by the Government of India against the recommendations of the Commissioners' Abolition Committee. If this is so, then there is no use in giving us hope that after the passing of the Agra Tenancy Bill the question will again be considered. It has been decided against our recommendations, and there is no such hope.

Hon'ble Sir Samuel O'Donnell : May I offer a personal explanation? I said that I maintained that the decision of the Government of India ruled out any such sweeping reduction such as the reduction of half the number of posts, but that they would be prepared to consider any proposal for the reduction of a particular post.

Rai Bahadur Thakur Mashal Singh : The committee to consider the question of abolishing commissioners was appointed long ago. It took into consideration all the points which have just been read out from the report by the Hon'ble the Finance Member. He has, however, not read out the unanimous opinion of the committee, especially the non-official point of view, in which answers have effectively been given to all these points. No intermediaries are necessary between collectors and Government, and the committee thought that the commissioners were merely post offices transmitting letters from the collectors to the Government. The post is a sinecure. In other provinces, for instance Madras, there are no commissioners, and I ask how the work is carried on in that province. So it is not at all a convincing argument that commissioners must remain because they have a local knowledge or some such argument. The question now before the House is that if the honourable members think that at least half the number of commissioners should be reduced, and if the recommendations of the committee are

[Rai Bahadur Thakur Mashal Singh.]

respected by the members of this House, there is, I think, no other alternative left to this Council but to press the motion which has been moved by the honourable member for Bulandshahr. The amendment which has been moved by Lala Babu Lal is to the effect that the question should be kept open and that we should discuss it again. The matter has been discussed on several occasions threadbare and there is no necessity of bringing forward any more arguments in support of the recommendations of that committee. I think it should be decided once for all. If we are prepared to take this decision that there should be no abolition of the commissioners, we should say so plainly and should reject this motion, but if we on the other hand are of opinion that the recommendations of the committee should be carried out, I think there is no other alternative but to press the motion and abide by the decision of this House.

Pandit Nanak Chand : The Hon'ble the Finance Member has made a moving appeal in the name of the establishment of the commissioners' courts. He has put it to members whether they want that the entire establishment of five Commissioners should be turned out into the streets. It is simply to appeal to our feelings, but the real truth of the matter is that no member of an All-India service wants to see five members of his own service turned out into the streets, even though they may be no better than an unnecessary fifth wheel in the coach. We have had experience quite recently of numerous subordinate clerks and other Government servants being turned out into the streets when we were faced with financial stringency. Only the other day the House was discussing the question of chaukidars.

Maulvi Muhammad Obaid-ur-Rahman Khan : You were opposing perhaps.

Pandit Nanak Chand : I was opposing in favour of a better agency.

Maulvi Muhammad Obaid-ur-Rahman Khan : Forty-three thousand were turned out.

Pandit Nanak Chand : Yes. Not only chaukidars, but hundreds of clerks and other subordinate officials were axed in the interests of economy, but when it is proposed to reduce the number of commissionerships now it is one excuse, another time it is another excuse, and yet another time there is yet another excuse. I would have very gladly accepted the amendment of my friend Lala Babu Lal had I been sure that the reduction of Rs. 10 will have the same force as a constitutional protest as a reduction of Rs. 1,68,882. A reduction of Rs. 10 could be met within a budget of about three and a half lakhs, but it is not easy to find the amount which I propose to reduce by my motion. The Government will have to get this amount certified in order to retain the five commissioners, and this will be a good constitutional issue for the Government to place themselves in the wrong. I personally think that no intermediaries are required. As my friend Rai Bahadur Thakur Mashal Singh has already pointed out there are no commissioners in the Madras Presidency, and yet the administration of that province is going on as efficiently, if not more, as the administration of our province. If it is possible in the

Madras Presidency to do without Commissioners, why should it not be possible for our province to reduce their number by half?

Hon'ble Sir Samuel O'Donnell: I am not sure what exactly is the attitude of the honourable member for Bulandshahr regarding the establishment of commissioners; I am not sure whether he desires that half the establishment should be dismissed at once, or that what he really desires is to create a situation which would compel certification. I venture to doubt whether, whatever be the correct interpretation, his views will commend themselves to the Council.

Pandit Nanak Chand: I will compel certification.

Hon'ble Sir Samuel O'Donnell: Very well.

Rai Bahadur Thakur Mashal Singh and the honourable member for Bulandshahr said that in other provinces there were no commissioners. The only province they referred to was Madras. It is quite true that there are no Commissioners in Madras, but if they will study the administration of that province they will find that the conditions there differ very markedly from those obtaining in the United Provinces. They will find that in Madras the districts are very large. These districts are in charge of very senior collectors; the collector has under him fairly senior sub-collectors; and the position of the Collector is in many respects analogous to that of a commissioner in these provinces.

I think it was the honourable member for Hardoi who said that commissioners were merely post offices. Well, I have perhaps as close acquaintance with the work of the commissioners as the honourable member and I can only say that I consider that description to be entirely erroneous. That is not the function of the commissioner. I have already described what his functions are. They are very important functions indeed, and if commissioners were to be abolished I am quite certain that the results would be very unfortunate to the general efficiency of the administration.

Hon'ble the President: Am I right in thinking that the object of the mover, Pandit Nanak Chand, is to record an emphatic constitutional protest in the matter of the abolition of commissioners' posts?

Pandit Nanak Chand: Five commissioners' posts.

Hon'ble the President: . . . a constitutional protest against the non-abolition of five commissioners' posts. I take it that that is the object of the mover of the amendment too. The object of the motion as well as of the amendment is to record a constitutional protest against the non-abolition of five posts of Commissioners. The motion before the House was that the demand be reduced by Rs. 1,68,882; since when an amendment has been proposed that the demand be reduced by Rs. 10. I shall put the original motion to the House first. The question is that the demand be reduced by Rs. 1,68,882.

The motion was put and the Council divided as below:—

Ayes (8).

Rai Sahib Lala Jagdish Prasad.
Pandit Nanak Chand.
Pandit Brijnandan Prasad Misra.
Lieut. Raja Durga Narayan Singh.

Rai Sahib Babu Dip Narayan Roy.
Rai Bahadur Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.
Rai Bahadur Thakur Mashal Singh.

Nos (42).

Hon'ble Sir Samuel O'Donnell.
 Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
 Hon'ble Rai Rajeshwar Bali.
 Hon'ble Thakur Rajendra Singh.
 Hon'ble Nawab Muhammad Yusuf.
 Mr. E. A. H. Blunt.
 Kunwar Jagdish Prasad.
 Mr. G. E. F. Muir.
 Mr. B. D'O. Darley.
 Mr. H. A. Lane.
 Mr. K. G. Harper.
 Mr. R. Burn.
 Mr. A. W. Pim.
 Mr. B. J. K. Hallowes.
 Mr. C. M. King.
 Mr. H. G. Billson.
 Mr. R. J. S. Dodd.
 Colonel A. W. R. Cochrane.
 Mr. A. H. Mackenzie.
 Mr. G. Clarke.
 Raja Muhammad E'jaz Rasul Khan.
 Raja Bahadur Brij Narayan Rai.

Mr. H. C. Desanges.
 Mr. H. David.
 2nd-Lieut. Chaudhri Balwant Singh.
 Chaudhri Jaswant Singh.
 Lala Babu Lal.
 Rai Bahadur Babu Ram Nath Bhargava.
 Raja Narayan Pratap Singh.
 Mr. Muhammad Aslam Saifi.
 Rao Sahib Abdul Hameed Khan.
 Lieut. Nawab Jamshed Ali Khan.
 Khan Bahadur Chaudhri Amir Hasan Khan.
 Mr. Muhammad Ismail Ali Khan.
 Maulvi Muhammad Obaid-ur-Rahman Khan.
 Khan Bahadur Hafiz Hidayat Husain.
 Dr. Shafa'at Ahmad Khan.
 Saiyid Muhammad Asiq Husain.
 Khan Bahadur Maulvi Fasih-ud-din.
 Khan Bahadur Maulvi Muhammad Fazl-ur-Rahman Khan.
 Raja Shambhu Dayal.
 Lieut. Raja Shaikh Imtiaz Rasul Khan.

The motion was therefore negatived.

Hon'ble the President: I shall now put the amendment to the vote.
 The question is that the demand be reduced by Rs. 10.

The amendment was put and the Council divided as below:—

Ayes (27).

Raja Bahadur Brij Narayan Rai.
 Rai Sahib Lala Jagdish Prasad.
 Pandit Nanak Chand.
 Lala Babu Lal.
 Rai Bahadur Babu Ram Nath Bhargava.
 Rao Sahib Kunwar Sardar Singh.
 Pandit Brijnandan Prasad Misra.
 Lieut. Raja Durga Narayan Singh.
 Raja Narayan Pratap Singh.
 Rai Sahib Babu Dip Narayan Roy.
 Rai Bahadur Thakur Hanuman Singh.
 Bhaya Hanumat Prasad Singh.
 Rai Bahadur Thakur Mashal Singh.
 Mr. Muhammad Aslam Saifi.
 Rao Sahib Abdul Hameed Khan.
 Lieut. Nawab Jamshed Ali Khan.

Khan Bahadur Chaudhri Amir Hasan Khan.
 Mr. Muhammad Ismail Ali Khan.
 Maulvi Muhammad Obaid-ur-Rahman Khan.
 Khan Bahadur Hafiz Hidayat Husain.
 Dr. Shafa'at Ahmad Khan.
 Saiyid Muhammad Asiq Husain.
 Khan Bahadur Maulvi Fasih-ud-din.
 Khan Bahadur Maulvi Muhammad Fazl-ur-Rahman Khan.
 Rai Bahadur Lala Mathura Prasad Mehrotra.
 Raja Shambhu Dayal.
 Lieut. Raja Shaikh Imtiaz Rasul Khan.

Nos (24).

Hon'ble Sir Samuel O'Donnell.
 Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
 Hon'ble Rai Rajeshwar Bali.
 Hon'ble Thakur Rajendra Singh.
 Hon'ble Nawab Muhammad Yusuf.
 Mr. G. B. Lambert.
 Mr. E. A. H. Blunt.
 Kunwar Jagdish Prasad.
 Mr. G. B. F. Muir.
 Mr. B. D'O. Darley.
 Mr. H. A. Lane.
 Mr. K. G. Harper.

Mr. R. Burn.
 Mr. A. W. Pim.
 Mr. B. J. K. Hallowes.
 Mr. C. M. King.
 Mr. H. G. Billson.
 Mr. R. J. S. Dodd.
 Colonel A. W. R. Cochrane.
 Mr. A. H. Mackenzie.
 Mr. G. Clarke.
 Raja Muhammad E'jaz Rasul Khan.
 Mr. H. C. Desanges.
 Mr. H. David.

The motion was therefore adopted.

Motions Nos. 36 to 39, 42 to 44 and 46 to 49—Not moved.

Motion No. 51.

Maulvi Muhammad Obaid-ur-Rahman Khan: With your permission, Sir, I want to move it with a little alteration. I want that instead of Rs. 6,99,247 I may say Rs. 7,93,064.

Hon'ble the President: It is immaterial. You do not ask for an alteration in the amount of reduction?

Maulvi Muhammad Obaid-ur-Rahman Khan: No, Sir.

Hon'ble the President: That is all right.

Maulvi Muhammad Obaid-ur-Rahman Khan: I beg to move that the demand of Rs. 7,93,064 concerning contingencies non-contract, purchase of tents under "(a) General establishment" at page 46 of the Civil Detailed Estimates be reduced by Rs. 30,000.

If honourable members will kindly refer to pages 45 and 46 of the Civil Detailed estimates they will find that under the head "Contingencies" there is a heavy increase as compared with last year, the detail of which is as follows.

Under "Improvements of the court compounds" instead of Rs. 39,000 they are budgeting this year Rs. 40,000.

There is a new item of "purchase of tents". The amount of Rs. 46,500 was sanctioned in a supplementary estimate during 1925-26, but this year they are providing Rs. 50,000 for that item. Under purchase of typewriters and duplicators instead of Rs. 6,000 they have budgeted Rs. 10,000. Under honorary magistrate's contingencies instead of Rs. 8,040 they have budgeted for Rs. 8,960. So instead of Rs. 7,38,444 there is a demand for Rs. 7,93,064 under these items. What I want to say is that the sum of Rs. 50,000 which they are budgeting for the purchase of tents is a very heavy sum, and I do not know why such a heavy sum is required for this purpose in one year. If they could do without new tents up to this time, they could do even for one year or more. They can be provided by instalments. What is the necessity of providing such a heavy sum in one year and there is no reason why they are budgeting Rs. 1,000 more for the repair of compounds of courts. When they had budgeted Rs. 39,000 last year, I do not know why Rs. 40,000 has been budgeted for this year. At the same time I do not see any reason for budgeting an increased sum of Rs. 4,000 for the purchase of typewriters. With this intention I want to move that out of an increase of Rs. 54,000 only Rs. 30,000 be reduced, and I may add that this year we have not made any substantial cut, and now the budget is almost at the end and perhaps we have not made very many cuts this year. Therefore if the Government accepts it, I think it will be quite reasonable, and I am asking this decrease in such an item which will not obstruct the work of the Government in any respect. With these few words I commend my motion for the acceptance of the House.

Mr. E. A. H. Blunt: The honourable member has objected to three items and followed that by a general plea for generosity from the official benches. He wants his pound of flesh—more than a pound of flesh if he can get it. I will deal with his three points one by one. First—Court compounds. I have explained this entry more than once. Certain receipts accrue from persons who use the court compounds. These of course vary from year to year. The amount received in one year is always budgeted for expenditure in the next year; and that is why expenditure varies under this head. The year before this we received only Rs. 39,000; so in the current year we could only spend Rs. 39,000. In the current year we have received Rs. 40,000; and consequently next year we are going to spend Rs. 40,000. The receipts are earmarked. The money is raised from the people who use the court compounds, and it is

[Mr. E. A. H. Blunt.]

used on improving the court compounds, which seems only fair. A reduction of Rs. 1,000 would merely mean that that sum, if I may say so, was misappropriated by the Government.

As regards tents, the position is simply this. We have had no new tents for a very long while—ever since, I think, the appointment of the Rasad and Begar Committee, and perhaps before that too. In pre-reform days there was an annual allotment of Rs. 20,000 for tents. Now, as we had no new tents for about four years, we are merely making up leeway. Tents wear out and have to be replaced; and if we do not get these tents now, the only result is that there will be no touring, or not sufficient touring, during the coming cold weather. As a matter of fact we got a supplementary estimate this year of Rs. 46,500 for tents. It was explained to the Council at the time that we wanted a sum of about a lakh in all and that we should ask for Rs. 50,000 in the budget. Moreover, I may explain that under present arrangements the expenditure is not really so much as Rs. 50,000. The tents are made in our jails, so that the Rs. 50,000 is covered by receipts in the Jail budget; and all the real expenditure is the cost of the material which actually appears in the Jail budget on the expenditure side, and that is considerably less than Rs. 50,000. Then for typewriters there is an extra Rs. 4,000; but like tents, typewriters wear out, and when they are worn out we have to get new ones. It so happens that a good many have worn out this year. It may also be that some officers want extra machines. They are not very expensive things; this Rs. 4,000 probably covers the cost of ten typewriters. I do not think that a demand for ten typewriters in a province as large as this in one year is too large. As for a substantial cut, which the honourable member says has not been made yet, I may remind him that I have made some large cuts myself.

Maulvi Muhammad Obaid-ur-Rahman Khan : About the cuts made by the Finance Secretary I can say that they will probably appear before the House on April 1. If he guarantees that they won't appear, then I think I will not grudge this cut much. And the second point is that whenever any item is budgeted they think it is very necessary to spend it; but I think there is still room for its reduction; and if we reduce it to some extent, there won't be any harm done to the work. About tents it has been said there will be a saving, so I don't think there will be harm in making a cut. They may say there won't be any touring, but I beg to submit that after proper repair they would do for one year more; it won't harm anyone to repair some and purchase some new ones at a cost of about Rs. 25,000, because, as I have already said, there is still an increase of Rs. 24,000. I have proposed only a cut of Rs. 30,000 out of an increase of Rs. 54,000. So it won't make the work as hard as described by the Financial Secretary. I am still where I was and I want to press it.

Hon'ble Sir Samuel O'Donnell : I can assure the honourable mover that if we oppose this motion it is not because we cling obstinately to the figures in the budget. If it were possible to do so without damage to the administration, I personally should be very glad to make reductions, because all such reductions would increase the closing balance, which, as I have explained to the Council on a previous occasion, stands undoubtedly at an undesirably low figure. These particular items, however, are really very essential. The honourable member himself does not deny that the

court compounds should be kept in proper order. We are constantly urged to keep them in proper condition, and it is surely reasonable that receipts from these compounds should be spent on their improvement. Then as regards tents and typewriters, I can assure him we do not condemn tents and typewriters until they are really past use. Many tents are repaired. Many tents are repaired more than once. It is only when they reach a stage at which repair is no longer possible that tents are definitely condemned. Similarly, our typewriters are examined from time to time by experts, and it is only when we are advised that a typewriter can no longer be used and that it would be no use patching it up that we order new typewriters.

The motion was, by leave of the Council, withdrawn.

Motions Nos. 53 to 57.—Not moved.

Motion No. 58.

Maulvi Muhammad Obaid-ur-Rahman Khan : I beg to move that the demand of Rs. 22,084 concerning training class for junior officers under “(a) General establishment” at page 46 of the Civil Detailed Estimates be reduced by Rs. 2,500. If honourable members will refer to page 46 they will find under the head “Training class for junior officers” an increase this year. Last year they budgeted for (I refer to travelling allowance) Rs. 5,940, while this year the sum is Rs. 7,020, so there is an increase and I want a reduction, and I want to know the reason why there is an increase, and if the reason is satisfactory, then I won't press the motion, otherwise I want to press it.

Mr. E. A. H. Blunt : The reason is very simple. There are more officers to be trained and consequently more officers have to travel to the class.

Dr. Shafa'at Ahmad Khan : Does this refer to the Moradabad deputy collector's training school?

Mr. E. A. H. Blunt : Yes.

Hon'ble Sir Samuel O'Donnell : I really can add practically nothing to what has been said by the Financial Secretary. It is a fact that there are more officers to be trained in the class. Everybody who knows anything about the school knows that it is a very valuable institution indeed, and we are arranging for the training of as many officers as possible—deputy collectors, tahsildars—and there is some idea even to offer instruction to honorary magistrates at the class. But the fact is, there are more officers to be trained and naturally the expenditure has gone up.

Maulvi Muhammad Obaid-ur-Rahman Khan : How many more officers are there this year?

Hon'ble Sir Samuel O'Donnell : I do not know exactly. If I had known the honourable member was going to raise this particular point I would have had the figures by me. It is not always obvious from the motion on the agenda what the precise point is that is going to be raised. I do not know the exact number, but he may take it from me that there is certainly an increase in the number.

Hon'ble the President : Does Dr. Shafa'at Ahmad Khan want to make a speech?

Dr. Shafa'at Ahmad Khan : I want to make a few points, Sir. You may call it a speech.

Hon'ble the President: That would be a speech. The Government have now spoken after the mover has replied and no further speeches can be delivered.

The motion was put and negatived.

Hon'ble the President: I think between Nos. 40 and 64 there is no other motion for specific reduction. They are all with the object of raising a general discussion and eliciting information. We will therefore go back and take them up serially from No. 40.

Motion No. 40.

Khan Bahadur Hafiz Hidayat Husain: I beg to move, Sir, that the demand of Rs. 20,46,780 concerning deputy collectors and probationary deputy collectors under "salaries" at page 45 of the Civil Detailed Estimates be reduced by Rs. 10. My object in moving this is to draw the attention of the Government to the lot of deputy collectors. As we all know the deputy collectors are the backbone of the revenue administration of these provinces. Indeed the brunt of the revenue administration work is borne by them. They were very useful to the Government in the days of non-co-operation, which they combated. But with all this they remain exactly where they were years back, with no prospect of any improvement either in their general outlook or present condition. Their salary can ill-afford comparison with public officers doing equally responsible work. The recommendations of the Lee Commission have been accepted by the Government of India with regard to the Imperial Services; but nothing whatsoever has been so far the outcome with regard to the Provincial Executive Service. Deputy collectors suffer under some drawbacks. The first is that they are posted to districts and work is allotted to them by the collectors of the districts. The collectors can punish a most senior deputy collector by employing him in unuseful work under him therefore my suggestion is that instead of being posted to districts, they should be posted to sub-divisions of districts as munsifs are. For example, instead of being posted to Cawnpore, they should be posted to a sub-division of the Cawnpore district, say, Ghatampur sub-division of the Cawnpore district.

Then, Sir, there is some complaint among the deputy collectors with regard to the manner in which they are treated by the collectors. For instance, if a collector has got to say something against a deputy collector he sends a slip to the office and the slip goes round and finally reaches the deputy collector whom it concerns. Deputy collectors undoubtedly occupy positions of responsibility and they should not be treated as mere clerks of the district court. After all they have a position; they are men of influence and have important duties to perform, and they cannot be lightly treated by the collectors.

The second complaint which the deputy collectors have is with regard to the manner of their posting to important sub-divisions. Important sub-divisions carry some allowances; but lately junior deputy collectors from outside the districts in which vacancies occurred have been posted to sub-divisions in districts where there are senior deputy collectors already. Therefore, Sir, I think that these complaints of deputy collectors should be considered by the Government and removed.

Hon'ble the President: I would like to make a suggestion to honourable members. I think that instead of dotting the i's and crossing the t's

of previous speakers it would be better if honourable members would speak only if they have new points to make. As honourable members are aware, the time before us is very short and we are still discussing general administration. There is a preponderance of zamindars here who would naturally like to discuss "land revenue." Therefore I make this suggestion.

Rai Bahadur Thakur Hanuman Singh: I rise to endorse the observations which have been made by my friend Hafiz Hidayat Husain. I beg to add a few more remarks for the consideration of this House and the Government. The lot of the deputy collectors is such as cannot be envied. Their claims for promotion to higher posts have always been overlooked by the Government. In 1887 the Commission that was appointed for inquiring into the condition of the Civil Services recommended that one-sixth of the posts which were filled by officers of the Indian Civil Service should go to the members of the Provincial Civil Service. That recommendation was not acted upon, with the result that the fate of the deputy collectors remains the same today as it was before the Commission's recommendations were made. I would refer the honourable members of this House to page 120 of the Lee Commission report and to the note of Sir Reginald Craddock. This note fully explains how the claims of deputy collectors were disregarded. The Lee Commission has recommended that twenty posts belonging to the Indian Civil Service should be given to the Provincial Civil Service. Last year when there was a discussion in this House during the time of the budget debate the Hon'ble the Finance Member was pleased to give a sympathetic reply and held out hopes that the recommendations contained in the Lee Commission's report would be carried out. Well, Sir, nobody and no service can always live upon mere hopes. These hopes have always been placed before the Provincial Civil Service, but they were never fulfilled. In 1924 a deputation on behalf of the Provincial Executive Civil Service waited upon the Hon'ble the Home Member at Naini Tal. There too he was very sympathetic in his reply. But I do not know what he has been pleased to do to give effect to the recommendations of the Lee Commission. The Provincial Civil Service is getting very impatient at the delay which is taking place. They are, if appointed to the cadre of Indian Civil Service, placed below Indian Civil Service officers of the same year in which their appointments have been made. In this way it would take a very long time for them to rise to the position of district officers. Then, Sir, there is another question in this respect about the selection from among the deputy collectors of junior and senior men. This is a question which requires much consideration. Senior deputy collectors have been drawing small salaries, but all the same doing loyal service to the Government. When there is any chance for the selection of deputy collectors to the cadre of the Indian Civil Service, the claims of senior men among them should not be overlooked. No doubt juniors too should be selected, but there should be a proportion of seniors who have proved themselves fit for such posts by experience and honest work during their service.

There is another grievance that the junior members of the Indian Civil Service are appointed to hold charge of districts even when they have put in only four or five years' service. They are appointed to rule over deputy collectors who have put in 20 or 25 years' service. This sort of treatment

creates discontent and it cannot be considered satisfactory to the good work of the province. It goes without saying that nearly the whole brunt of the work falls on these deputy collectors whose lot the Government has not considered its worth while to improve. Those who were selected for appointment as members of the Indian Civil Service from the provincial civil service are junior to a very large number of deputy collectors and even they are placed over the head of senior deputy collectors whose juniors they were. Human nature and sentiment rule everywhere and they rule deputy collectors as well. The treatment of deputy collectors by district officers is not very satisfactory. I hope and trust that the Government will issue instructions that the deputy collectors deserve the same treatment which the junior members of the Indian Civil Service claim and enjoy. Their salaries may be small, their service may be inferior, but their self-respect is the same as that of the junior members of the Civil Service. This is a grievance to which the Government will, I hope, give its best and sympathetic attention, so that the provincial service men may feel happier than at present.

Rai Bahadur Lala Mathura Prasad Mehrotra: As an important point has been touched by my friend Rai Bahadur Thakur Hanuman Singh, I just want to say a few words in this connexion. The Lee Commission have definitely settled a ratio of the provincial civil service and the superior service by an inclusion of 20 per cent. of the latter. I will read out one sentence from their report. They say:—"We are unanimous in considering that an increase in the rate of promotion from the provincial civil service is desirable, and we are of opinion that 20 per cent. of the recruits should be obtained from that source in future." The total number of superior posts in these provinces is, I believe, 124, out of which only 12 have been given to the provincial civil service so far. Out of these 12 posts, eight go to the judicial side and only four to the executive side, including registrar and deputy registrar of co-operative societies. If the ratio that has been recommended by the Lee Commission is to be maintained, then there ought to have been 25 listed posts, but the present number is less than half of what the Lee Commission have recommended. I think, after the august pronouncement of His Majesty the King-Emperor in 1917 and the principles laid down in the Reforms Act, it is but right to give at least as many listed posts to the provincial civil service as have been recommended by the Lee Commission. Besides that, it is more necessary for the provincial civil service men to go to the executive line than to the judicial line, because training in the executive line is very essential when the aim of the Government is to give provincial autonomy. With these few words I support the motion.

Khan Bahadur Maulvi Fasih-ud-din: Perhaps no question has been more discussed and more threshed out than the question of Indianization of services, and perhaps no question remains to be solved as much as this question. My honourable friend Mr. Mehrotra has not done full justice to the claims of the members of the executive provincial service when he lumped up this service with the judicial service. I find that there are 70 superior posts in the cadre of the Indian Civil Service, including the posts of the collector, the commissioner, the members of the Board of Revenue, the secretaries and the two posts of the heads of departments and out of these posts let us see how many of these have been filled up by members of the executive service. There are two collectorships which are held by deputy collectors

and the post of Registrar, Co-operative department, and his deputy have also been listed, although I think that these two posts, especially the post of the deputy registrar, are not of sufficient importance to have been brought on the list of listed appointments. However, taking it for granted that four posts have been given to deputy collectors from the cadre of the Indian Civil Service, let us see how we are situated. As I have just said, there are 70 posts in the cadre of the Indian Civil Service to which deputy collectors can legitimately aspire. Out of these we have only four. According to the recommendation of the Lee Commission we should have got at least 14 posts. Now, I wish to know what arrangement the Government is going to propose for giving deputy collectors these 14 posts. I brought forward a resolution last time asking the Government to set apart some more posts of collectors—I think the number was seven—and the Hon'ble Finance Member announced that he had sent up recommendations to the Government of India almost on the same lines as my resolution and that the matter was pending before the Secretary of State. On that assurance I withdrew my resolution. I am sure that the matter will remain pending for another year or two till the whole thing becomes more stale, because it is my personal experience that that high dignitary very much delays matters about which there is a keen public demand but which are not very convenient to the Government. I remember a story of Emperor Muhammad Shah, he was enjoying his picnic on a boat and a *communiqué* came to the Emperor that Nadir Shah was close to the gate of Delhi. But he was so put out that he shouted, that this meaningless *communiqué* had better be consigned to the goblet of wine. I hope that this story will not be repeated in this particular case. It was certainly repeated in the case of the separation of judicial and executive. I remember that in 1922 the whole scheme was cut and dried and we thought that from the 1st April, 1923, it would come into execution. The number of deputy magistrates and assistant collectors to be allotted to each district was fixed up, and financial arrangements were on the anvil, but about four years have passed and we have heard nothing of this scheme. I concede that deputy collectors as a class are honest men, they are independent men, they are education men, but then there is a very great drag, very great embargo on their honesty on account of the system of confidentials. I admit that recent orders have been passed that any criticism of the work of the deputy collectors in the annual reports should be communicated to them, but what about the confidentials that pass daily between the collector and the commissioner, between the commissioner and the chief secretary and between the collector and the chief secretary. These confidentials naturally make the deputy collector timid and nervous, and I think the sooner this system is changed, the better it will be for the independence of the deputy collectors. And it is these confidentials, I think, which have aggravated the demand for the separation of judicial and executive. I remember that once I happened to acquit a very small case, and I happened to be in the first grade of deputy collectors, and my collector, who was only an officiating collector, wrote to me a very funny letter in which he said that I was in the habit of deciding my criminal cases in a very cavalier fashion, as if there were some uncavalier fashion also for deciding criminal work; and then the result was that after two months I got my transfer from that district. These are the things which make deputy collectors so careful about letting off cases. I would just prove how the figures of conviction by deputy magistrates stand. I find that

[Khan Bahadur Maulvi Fasih-ud-din.]

there was 50,497 cases that were put up before the magistrates during the year 1924, which is the last report available, and out of this 50,497 cases as many as 46,644 ended in conviction and only 3,843 cases were discharged or acquitted. In other words the percentage of conviction came to 92 point something. Well, I think that this is rather a very risky proportion of the percentage of convictions. It shows that either the police department is a department of angels or that the magistrates still seem to think that the old principle holds good, i.e. no conviction no promotion. This is a very great lever for those who want a separation of the functions of judicial and executive and there are signs that the deputy magistrate has come to his knees owing to the constant interference in his work by the district magistrate, especially the officiating district magistrates, for it is my experience that the most senior district magistrates do not meddle so much as the officiating ones do; and the deputy magistrate now seems to say: "*Khair nawab ki manate hain, jiske khate hain uske gate hain.*"

We pray for the prosperity of the Nawab Sahib and we play the tunes of the gentleman who feeds us. This state of things, I think, should be remedied at once and it is this state of things that has created a demand for an immediate separation of the judicial and executive.

Hon'ble Sir Samuel O'Donnell : I quite agree with Khan Bahadur Hafiz Hidayat Husain's estimate of the provincial executive service. That service is an admirable body and it renders very valuable service to Government. I was sorry to hear it said by him and by another honourable member that collectors treat deputy collectors lightly. I cannot believe that that is the practice of collectors and, of course, it is most certainly not the policy of Government. I do not think that any instructions from Government are necessary on the point because I am quite certain that the policy of Government is thoroughly well understood; nor do I believe that any collector would willingly and deliberately treat a deputy collector in a way in which he ought not to be treated. I cannot agree either that nothing has been done to improve the lot of the provincial judicial service in recent years. A few years ago their salaries were enhanced, and enhanced very substantially indeed. Since then we have had the report of the Lee Commission, and their recommendation that 20 per cent. of the superior posts should eventually be filled by recruitment from the provincial service has been accepted. It will take time before full effect can be given to that decision, but effect will be given to it as early as practicable and the first fruits of that decision will be visible before long. I think Khan Bahadur Hafiz Hidayat Husain suggested that deputy collectors should be posted not to particular districts but to a sub-division. I am not sure what his intention in that respect was. If he meant that deputy collectors should not be posted to the headquarters of a district and should be located outside the headquarters, that is in sub-divisional stations, then I am afraid I must differ from him. That, I believe, is the system in Bengal, but it is quite impossible to follow that system in these provinces. It is far better that deputy collectors should be stationed at headquarters except in a few sub-divisions where circumstances are exceptional. That brings me, Sir, to the question of the few sub-divisions to which a special allowance is attached. These sub-divisions serve as a training ground for the post of collector and it is for that reason that joint magistrates have

been posted to them. That practice must for that reason continue. As a matter of fact, however deputy collectors have been holding most of these appointments in recent years and at the present moment half of these sub-divisional charges are held by officers of the Provincial Service. The honourable member for Ballia referred to the fact that junior officers of the Indian Civil Service are sometimes appointed to officiate as collector in a district in which there are a number of senior deputy collectors. I have explained more than once the reasons for that. But apparently there are still misapprehensions on that point. The position is this. The two services of Indian Civil Service and Provincial Executive Service are recruited in the main for different purposes. The Provincial Service is recruited to fill sub-divisional charges and also to fill certain other superior posts which are usually called listed posts. That service has no claim to a superior post which is not a listed post. Officers in the Indian Civil Service on the other hand are definitely recruited to fill superior posts and it is only in the earlier years of their service that for the purposes of training they are placed in charge of sub-divisions. That is the reason why officers whose length of service is less than that of a number of deputy collectors are appointed to officiate as collectors. Lastly, Sir, Khan Bahadur Maulvi Fasih-ud-din Sahib, referred to the confidential reports of deputy collectors. I am not sure what he really wants. Perhaps he does not clearly understand himself. As he mentioned the recent orders require that any report which adversely affects the promotion of an officer should be communicated to him unless the reason for the adverse comment is the officer's innate stupidity or incompetency. If an officer is stupid or incompetent it is no use telling him so, as he cannot remedy these defects. If the adverse comment is based on other grounds then the orders are that they should be communicated to him. We must have reports regarding officers. Without such reports it would be quite impossible to know for what post they are fit. My honourable friend Khan Bahadur Hafiz Hidayat Husain, says that a continuous stream of confidential reports go from commissioners to the chief secretary and to the Government. Neither the chief secretary nor I have any knowledge of such continuous stream. Commissioners are no doubt consulted when it is a question whether an officer should pass the efficiency bar and when his record contains some elements of doubt; it is the practice in such cases to consult the commissioner and to obtain his opinion and that is a very sound practice. It is a mistake to suppose that commissioners send confidential reports monthly or weekly regarding officers of the Provincial Service. I am sorry to hear my honourable friend Khan Bahadur Fasih-ud-din suggest that district officers had interfered with the judicial work of deputy collectors. I am quite sure that there is no such interference. I attribute the increase in the number of convictions to the increasing efficiency of police work. I am quite sure that deputy magistrates discharge their judicial duties in an independent spirit and I do not believe that they convict because they imagine that district magistrates desire conviction. If they convict, they convict on the evidence. If they make mistakes, their judgements of course are liable to revision by superior courts.

Khan Bahadur Hafiz Hidayat Husain : I think I made my meaning clear as regards the posting of deputy collectors. I did not say that deputy collectors should be posted outside the district headquarters. My point was that they should be posted to sub-divisions of a district in the

[Khan Bahadur Hafiz Hidayat Husain.]

same district. This is primarily the work of Government which has been delegated by the Government to collectors. Now, the Lee Commission recommendations with regard to the 20 per cent. have been accepted and the Hon'ble Finance Member has also said something with regard to the betterment of the service. I therefore withdraw my motion.

The motion was, by leave of the Council, withdrawn.

Motion No. 41.

Bhaya Hanumat Prasad Singh : I rise to move that the demand concerning deputy collectors and probationary deputy collectors at page 45 of the Civil Detailed Estimates be reduced by Rs. 10.

What I wish to suggest by moving this motion is that political science should be included as an optional subject for those who appear in the competitive examination for deputy collectors. About the importance of the subject I have not very much to say as I know it very well that the House is fully acquainted with it, but what I wish to impress upon the Government is that in order to arouse public spirit in public servants it is necessary that every public servant should have a clear knowledge of politics. I find that in England this subject is included in the syllabus for the Indian Civil Service examination, while in India it has not yet been included. Now, for three or four years almost all the universities have opened a separate department for politics and students are studying this subject there. I do not know what would be the fate of those students who after passing in politics appear at the competitive examination and who are not allowed to take up politics as one of the subjects for the examination. Either they will have to give up that subject or they will be put to a great hardship. I find that there is very little difference between the Indian Civil Service officers and deputy collectors. They come under the same category and the work which they have to do is also of the same kind. The deputy collectors according to the Lee Commission will soon after be promoted to work as collectors and deputy commissioners and in that case without a knowledge of politics I fail to understand how will they be able to perform the duties which collectors or deputy commissioners are performing these days. It may be said, Sir, that there is a paper in the competitive examination named as Present Day paper in which questions on politics are asked. I am of opinion, Sir, that it does not mean that the claims of politics should be neglected on that score. I believe and I believe it firmly that for the competency of these officers this science should be included. With these few words I commend this motion to the Council and hope that the Hon'ble the Finance Member will kindly accept it.

Dr. Shafa'at Ahmad Khan : I support this proposal of my friend, Bhaya Hanumat Prasad Singh, that politics should be included in the syllabus of the examination for deputy collectors. As the members of the Council are aware, politics has been a subject for the M.A. examination for History for number of years and this year we have framed regulations—which have been passed by the Faculty of Art and by the Academic Council of the Allahabad University—for politics for the B.A. examination and we hope very soon to start a department of Politics in the Allahabad University. In the Lucknow University my friend, Dr. Ram, is the head of the department of Politics and I am quite sure that there will be no difficulty so far as politics as a subject of study is concerned,

in organizing courses for the B.A. students in politics. So I see no difficulty at all in the inclusion of politics as a separate subject for the deputy collectors' examination.

In this connexion I should like to draw the attention of the Government to one very great hardship which has been experienced by my students and also by other students in other universities and it is this that for the written examination they are given a certain number of marks but for the *viva voce* the number of marks allotted is disproportionately higher.

Pandit Nanak Chand : Is the honourable member in order in discussing this point?

Hon'ble the President : The honourable member is perfectly in order in discussing this point here.

Dr. Shafa'at Ahmad Khan : Thank you, Sir. The number of marks for the *viva voce* seems to me to be so high that it bears no relation at all to the importance of the subject. I remember that you, Sir, put a series of questions on this matter and from the answer supplied, it is clear that a number of candidates who had secured very high marks in the written examination got surprisingly low marks in the *viva voce*. Cases have occurred in my own department where several of my students have complained that in most cases when they have got sometimes a third place or a fourth place, or even the second place in the written examination they fail because they do not get sufficient number of marks in the *viva voce*. I hope the Government will take this into consideration, and will at least reduce the number of marks fixed for the *viva voce* examination.

Hon'ble Sir Samuel O'Donnell : The honourable mover has made a very interesting suggestion. I cannot commit the Government regarding it at the present moment but I can undertake that his suggestion, namely that political science should be one of the subjects the examination will be carefully examined. I hope that will satisfy him.

Dr. Shafa'at Ahmad Khan thinks that the number of marks for the *viva voce* are excessive. I do not think that is really so. It is really rather a question whether they ought not to be increased because it is in the *viva voce* examination that weight can be allowed for such factors as personality, physique. Without the *viva voce* examination the result would be determined entirely by the answers to the written papers. I think it would be undesirable in appointing officers to executive service that regard should be had only to the correctness of the answers given to written papers.

Dr. Shafa'at Ahmad Khan : I did not say that.

Hon'ble Sir Samuel O'Donnell : I did not mean to suggest that you did. Your point is that the number of marks for the *viva voce* should be reduced. It is rather a question, however, in my opinion whether the number of marks allowed in the *viva voce* is not too low. That is a matter of opinion—opinions may differ on that point—but I do think that we must make allowance for other factors than ability to answer written papers and for that purpose a certain number of marks are allowed for the *viva voce* examination.

Mr. H. David : In reference to *viva voce* examination I have only one little suggestion to submit to the Hon'ble the Finance Member. Will it not be very conducive or go to remove a loud complaint that we often hear

[Mr. H. David.]

that the *viva voce* examination for deputy collectors opens out a door for favouritism? Will it not be better if this *viva voce* examination should take place before the written examination and marks properly assigned so that the result of the examination may have nothing to alter the position? I think the members of this Council are already aware that there are sometimes grumbings and mutterings heard about this *viva voce* examination, and I think it will remove much misconception if this *viva voce* examination be held before the written examination.

Hon'ble Sir Samuel O'Donnell : I am quite prepared to consider this suggestion. I think it is usual to have the *viva voce* examination after the written examination. However, I quite appreciate the point taken by Mr. David and I am quite prepared to have it examined.

Bhaya Hanumat Prasad Singh : I beg to withdraw.

The motion was, by leave of the Council, withdrawn.

Motion No. 45.

Pandit Nanak Chand : I beg to move that the demand concerning total salaries at page 45 of the Civil Detailed Estimates be reduced by Re. 1.

This is a reduction which I have moved, which I mean to press and I expect every Indian member of the House including my friends on the official benches—particularly my friend the Hon'ble Home Member—to vote for it. This is a motion which I want to be carried to show to the Government that it is the unanimous opinion of the Indian section of the House that the Government is either incompetent or unwilling to keep its officers within their proper limits.

Hon'ble the President : The honourable member appears to be thundering too much in the prelude.

Pandit Nanak Chand : The incident which has led me to bring this motion is connected with the conduct of honest Mr. Theodore John Chichester Acton, B.A., Justice of Peace, Collector and District Magistrate of Bulandshahr. I know, Sir, he is a true and sound piece of the Lloyd Georgian steel-frame and as such it is futile, if not foolish, to expect any human consideration from him in his administration of the district. I would not refer to the personal incident with which the honourable members are already aware but I will bring to the notice of this House certain affairs which have happened since then. Sir, it was after that unfortunate incident that my honourable friend Rai Sahib Chaudhri Sheoraj Singh, member for South Meerut, who comes from the district and from the constituency which I have the honour to represent on the floor of this House, and who happened to have an interview with His Excellency the Governor and the Hon'ble the Finance Member and incidentally in the course of those talks somehow or other gave out his impression about the attitude of the district magistrate towards the people of that district. It appears he also referred to the incident which was connected with me as it was still fresh in his mind.

Hon'ble the President : I hope the honourable member has got the consent of the gentleman concerned before mentioning this matter in this House.

Pandit Nanak Chand : Yes, Sir, I have. I may inform the House that my friend Chaudhri Sahib is an honorary magistrate and he has been exercising this function for some time. He was anxious and desirous to undergo training at the Moradabad Officers' Training School. He had arranged with the school authorities that they would admit him. The condition imposed on him was that he should get his name sent up from the district and some preliminary arrangement made in connexion with training in the district. My friend waited on him and waited for a long time. He had to send in one or two slips, if I am not mistaken. He was received but received very rudely. He was given a treatment which no gentleman would give to another gentleman however different views one might hold. It appears that he had been informed of the views of Rai Sahib Chaudhri Sheoraj Singh by the higher authorities and this had told upon his nerves. I will not pursue this matter further. I hope my friend Rai Sahib Chaudhri Sheoraj Singh will give the details of his personal experience to the House if he so chooses to do. But I will refer to another incident which is of a far more serious character than offering insult to the members of this House and to individual gentlemen of the district. I had, some time ago, given notice of a question about a judgement which the collector of Bulandshahr delivered in a revenue appeal on February 13, 1926. I hold here, Sir, a certified copy, of that judgement. I have inquired from the Government whether it is not a fact that in that particular judgement the collector has gone out of his way and made certain uncalled for remarks. He has passed Curzonian remarks about the entire district. We very well remember, Sir, the convocation speech of Lord Curzon to the Calcutta University where he stigmatized all Indians as liars. How it was resented, and rightly so, by every self-respecting Indian is a matter of public knowledge and of history. I will read an extract from this judgement and I will leave it to the Government to say what they have to say, and the honourable members to judge as to what they think of an officer who offers such repeated insults and refuses to learn anything by experience. In paragraph (3) of this judgement the following sentence finds place : "The case is distinguished even in this dishonest district by a network of perjury, forgery and corruption which it discloses." I say, Sir, no judicial officer, no executive officer, has any business to pass such general remarks without any occasion for them. I maintain, Sir, that there was no occasion for the collector to go out of his way to stigmatize the whole district as dishonest. I would ask the Hon'ble Finance Member if the Government ever commissioned the collector of that district to make an inquiry into the honesty or dishonesty of that district. I would ask them as to what evidence he recorded to come to this finding in a judicial pronouncement. This remark is such that it is not appealable because the parties to this case are not likely to be interested whether this indictment about the district stands or is expunged. The parties are mainly concerned with their personal interests in the case. The district as such is no party to this judgement and cannot go in corporate capacity in appeal to get this uncalled for certificate withdrawn. Now Sir, I come.

Hon'ble Sir Samuel O'Donnell : A point of order Sir. May I ask whether, as the honourable member has told us this is a judicial judgement, this judicial judgement can be discussed here, and whether he is not reflecting on the conduct of a court ?

Hon'ble the President : I take it the honourable member's remarks refer to a certain *obiter dictum*.

Hon'ble Sir Samuel O'Donnell : Is not a judgement part of the conduct of a court?

Hon'ble the President : He is not discussing the judgement on its merits. He is only referring to a certain *obiter dictum* in a judgement.

Hon'ble Sir Samuel O'Donnell : Is it not reflection if the *obiter dictum* occurs in a judgement?

Hon'ble the President : I do not think so.

Pandit Brijnandan Prasad Misra : A point of order Sir. Was the Hon'ble Finance Member in order to question your ruling after you had given the ruling?

Hon'ble the President : I do not think the Finance Member meant to question my ruling. He merely wanted to understand what I meant.

Pandit Nanak Chand : I did not mean to discuss the judicial acts or the finding of the collector by alluding to this sentence. I happen to represent here a district which distinguished itself by rendering very conspicuous services during the war, which contributed on a very large scale by supplying men : if it could not supply as much money as any other district might have, at least it served the Empire liberally with its life blood. It is a district which has contributed the largest number of soldiers of any other district in the province, and I hope, Sir, that even the official members sitting opposite will concede that there is not a greater insult for a soldier than to be told that he is dishonest that he is بی ایمان. Not only this ; on February 6, 1926, the district magistrate at the district Durbar—according to my information—delivered a very provocative speech. I as usual did not attend the Durbar though I was invited, and now I am sorry for it, otherwise I could have given this House my personal impression of the speech. But those gentlemen who had attended, and whom I met came back utterly disgusted, extremely annoyed. In that Durbar speech according to my information among other things he has foretold how the statutory commission will brush aside Indian demands. I do not know what basis he had to do that. It might be his honest estimate of the futility of the commission. If it is conceded that Government is anxious to keep their officers under proper limits and in proper restraint then I do not see any excuse for any district officer or any other officer for the matter of that, going out of his way and inflicting such insults. It might be said that there is something wrong with the mental temperament of some officers. I am a believer, Sir, in getting the full value out of every pie that we spend, and I would recommend it to Government that if they find any such mental aberrations in any officers they should certainly take full advantage of the Ranchi asylum to which this Government makes annual contribution. I will, Sir, appeal to my honourable friend the Hon'ble the Home Member, to my friends Rai Sahib Chaudhri Sheoraj Singh, to Mr. Babu Lal and Kunwar Ismail Ali Khan Sahib (who is unfortunately not in his seat at present) to stand up and say whether they want such insults to be offered to them and to their district or whether they want to dissociate themselves from such remarks in the interests of the reputation of the district. I will again appeal to the Home Member not to vote with the Government on this motion, at least he should remain neutral on this motion, and to see that he does not act as an instrument to appropriate to himself and to his district,

of which he is such a distinguished citizen, the unsolicited and undeserved certificate given by this officer. And I ask the Government what sins of omission and commission has this unfortunate district of Bulandshahr committed in particular and this province in general, to deserve to be visited by such officers. I hope the whole House, at least the non-official members, will give me their support.

Rai Sahib Chaudhri Sheoraj Singh : It is with mingled feelings of sorrow and pleasure that I take part in this debate—pleasure because that I have stood up to safeguard the dignity and self-respect of myself and the residents of my district; and sorrow because it is not my policy to criticize district officials without any good reasons and because I have been asked to refer to my own incident. From the time I have been used to see district magistrates I have co-operated with them. The reason for this may be that they were men worth co-operating with. I do not like to refer to the insult which Mr. Acton was pleased to offer me, because I know that it would simply be adding injury to insult. For this very reason I did not refer this case either to the press or to the Government. Now, too, I do not think it proper to go into the details of my case because I do not think that any good will come out of it. Honourable members know that they had passed a vote of censure on Mr. Acton; but he is yet in the Bulandshahr district.

As regards the point to which my friend Pandit Nanak Chand has just now referred, my sorrow and my excitement knows no bounds. Up till now Mr. Acton was bold enough to insult representatives of the public; but now he has become so courageous as to insult the whole district. He has insulted every member of every community of whatsoever position he may be. I am sorry to say that when he made those remarks he did not remember that Bulandshahr is a district, a resident of which is the Home Member in the Provincial Government; and he also did not know that Bulandshahr is a district the sons of which shed their blood in the great war. As honourable members know well, Bulandshahr was the district which gave the highest number of combatants in the great war. He should at least have made an exception in the case of those gentlemen of the district who practically worshipped him and gave him *dalis* and parties. I do not think it proper to say many words about Mr. Acton. I will leave it to the justice of the Hon'ble the Finance Member and the official members themselves. Are they prepared to allow their officers to insult their district? If so, we have nothing to say; but let them come forward and say boldly that they defend such sort of things on the part of their subordinates. If it is not the case, then they must call for an explanation from him; they must impeach him for this. Although they are not directly insulted (only a district is insulted) I hope that honourable members will join us and have sympathy with the residents of the Bulandshahr district.

Pandit Brijnandan Prasad Misra : I want to put a question to the honourable member who has just sat down. Would he repeat the incident that took place? Since the Council has to vote on this it is necessary that it must know the full details of the incident.

Rai Sahib Chaudhri Sheoraj Singh : I am not prepared to do that.

Hon'ble the President : I see several honourable members wishing to speak. I desire to suggest that they should first hear the Leader of

[Hon'ble the President.]

the House and see what Government has to say. There is no use in prolonging the discussion and pursuing the matter further.

Hon'ble Sir Samuel O'Donnell: As regards the first point raised in this Council, I need only say that as a complaint has been made that an honourable member of this House was treated with discourtesy by the district officer I will have inquiries made regarding that allegation. On the second point, I have not seen the judgement which the honourable member for Bulandshahr has referred to. I have not seen the question which he says he gave notice of, nor have I seen the judgement. I have heard only the extract which he read to this House. I can hardly believe that any officer intended to stigmatize a whole district as dishonest. I need hardly say that in any case it is in our view entirely wrong that any district as a whole should be so stigmatized. I will send for the judgement and the Council may rest assured that we will take such action as is appropriate in the matter.

Hon'ble the President: If the Chair has any right to make a suggestion, I should like to say that in a matter of this kind, honourable members will do well to proceed with a certain dignity and restraint.

Pandit Nanak Chand: I would have very gladly withdrawn the motion had this been the first incident. As the House knows, there was already a heated discussion earlier in connection with this very officer and the result of that discussion and the clear vote of the Council did not produce any effect whatsoever. Therefore I think it is necessary for me not to withdraw this motion.

Hon'ble Sir Samuel O'Donnell: I have already stated what our position is as regards this matter. I think the Council will agree with me that there is nothing in our attitude to which exception could rightly be taken. I have undertaken to inquire regarding the allegation that an honourable member was treated with discourtesy. I have also undertaken that we will send for and examine the judgement and take whatever action is appropriate in the matter. Beyond that, the Council will agree with me it is impossible for me to say or do anything in this matter.

Pandit Nanak Chand: I do not wish to press the motion now.

The motion was, by leave of the Council, withdrawn.

Motion No. 50.

Rai Bahadur Thakur Hanuman Singh: I beg to move that the demand of Rs. 2,35,000 concerning diet allowance to witnesses and complainants at page 45 of the Civil Detailed Estimates be reduced by Rs. 10.

By moving this motion I desire to bring to the notice of the Government the fact that witnessess who are summoned to give their evidence in district courts are kept there for days together and the diet allowance which they are paid is for only a day or two. When they go in obedience to the summons which they receive, they lose something from their own pocket besides the inconvenience to which they are put. I hope that Government will see that witnesses are paid their diet money, whether they go to the headquarters of the district or some other place where the court may be sitting.

Hon'ble Sir Samuel O'Donnell: I had some difficulty in following the honourable member. I am not quite sure what exactly he wants. I understand that he is dissatisfied with the diet allowance paid to witnesses. I am not sure what the rule is on the point, but I will look into the matter.

The motion was, by leave of the Council, withdrawn.

The Council here adjourned for lunch.

After the recess, the Deputy President took the chair.

Motion No. 52.

Pandit Nanak Chand: I beg to move that the demand concerning honorary magistrates non-contract contingencies under "22-E—District administration" at page 46 of the Civil Detailed Estimates be reduced by Rs. 1,000. The object of my motion is to draw the attention of the Government to the perennial subject regarding the institution of honorary magistrates. I am not one of those who want that the institution of honorary magistrates should be done away with. Some of them are discharging a very great public duty without any remuneration. But my grievance is and it has been the grievance of many non-official members of the House that the honorary magistrates and honorary assistant collectors are not recruited on any grounds of merit.

Rai Sahib Chaudhri Sheoraj Singh: Can the honourable member discuss honorary assistant collectors?

The Deputy President: I think it is only by way of illustration that honourable member has mentioned them.

Pandit Nanak Chand: In a large number of cases, if not in most cases, the authorities do not take fully into consideration the capacity, the integrity, the qualification and other factors which ought to count in the selection of suitable officers who have to do judicial work. The enormity of this practice can be realized from the fact that even on the floor of this House the Government have had to admit that there are some honorary magistrates who cannot even read and write. If such is the case, then I think the question requires serious consideration, not only with a view to improve the machinery for the recruitment of such officers in future but also to curtail the period of honorary magistrateships in the case of those who are found to be incompetent and such officers should, in my opinion, be weeded without any further delay. It is not only in the interests of the Government to have an efficient machinery for the disposal of these cases, but it is also in the interests of those people whose cases are decided by the honorary officers. In some cases, where honorary magistrates are not competent, the ends of justice, instead of being served or furthered, are sacrificed, as these gentlemen decide cases according to their peculiar whims and prejudices. For these reasons, Sir, I hope that the Hon'ble the Home Member will indicate the definite policy of the Government on the question. I think that the institution deserves to be mended, and if this cannot be done then it ought to be ended.

Rai Bahadur Thakur Hanuman Singh: I want to add a few words to what has been said by my honourable friend the member from Bulandshahr. It is not the first time that the question of honorary magistrates has been brought before this Council for discussion, and I am not going to repeat what has already been said on the subject in the present Council and during the lifetime of its predecessor. Suffice it to say that it is very essential to have inquiries made as regards these honorary magistrates.

[Rai Bahadur Thakur Hanuman Singh.]

Those who may be found honest and good workers may be retained : those who may be found not doing their work properly should be removed. There is no doubt that there are some who are very honest and good workers and in whom people have confidence, but the majority are such who accept the job not with a view to assist the Government in the disposal of cases, but simply with a view to earn their livelihood and be called honorary. I think I have said enough and nothing more than this can be said by anybody. It is mete and proper that the Government should take steps to relieve the people from the gentlemen who pose as magistrates to disgrace the name of magistrate.

Khan Bahadur Maulvi Fasih-ud-din : I do not wish to make any speech worth the name, but I should like to throw out two or three suggestions in the matter of the honorary magistrates. The first suggestion of mine is this : that no honorary magistrate should be allowed to do work who has passed the age of 60. He should be brought on the list of retired honorary magistrates.

The second suggestion that I wish to make is that the powers of honorary magistrates, honorary assistant collectors and honorary munsifs should not be confined in one man, and the evils of this combination are too apparent for me to mention. Only one kind of power should be given to one man.

The third suggestion that I wish to make is that the honorary magistrates, who are young enough, should be compelled to go to the training school, at least those who want a promotion in their powers, and no honorary magistrate should be vested with first class powers or even second class powers who has not gone through a training in the school.

The last suggestion that I wish to make is this : that the Government should bring up a Bill for honorary magistrates, just as there is an Act for the honorary munsifs, prescribing the qualifications of the honorary magistrates, the method of their recruitment, and so on, and do away with the present slipshod method of recruitment.

Rai Bahadur Thakur Mashal Singh : The question of the appointment of honorary magistrates has been the subject of discussion on the floor of this House more than once, and, as it is futile to repeat the same arguments, I will content myself by adding some suggestions to those which have been offered by my honourable friend Khan Bahadur Maulvi Fasih-ud-din. The principle which ought to be kept in view in the conferment of these powers should be that no man should be appointed an honorary magistrate who has not an independent income at least of Rs. 500 per mensem, so that he may not be open to temptation. The second principle, I think, should be that at least the district magistrate should himself examine the man before recommending him for investment of powers that he can read and write fluently. As to the weeding out of undesirable honorary magistrates, I think the district magistrate should be required by the Government to send a note on their work every year, just as they receive a note on the work of the stipendiary magistrates. Such notes are annually asked from the district magistrates and the Government takes into consideration the recommendations and the defects which the district magistrates point out in an individual officer. These notes should be the basis of their removal from office or of enhancing their powers, as the case may be. Nobody wishes that these honorary magistrates should not exist. What we want is that

the service of the honorary magistrates should be purified and the black sheep, wherever they may be found, should be removed from office. It is with the best of motives and the best of intentions that the honourable members of this House always insist on the appointment of good, honest and competent workers. There is no other motive behind them. So, I hope that the Hon'ble the Home Member will take into consideration all the suggestions which are for the improvement of the service of honorary magistrates; and if he takes any step to improve this service, I think he will earn our gratitude.

Mr. H. David: I am sorry I am not able to subscribe to the views put forward by Pandit Nanak Chand as to deprive such persons who do not know how to read and write of their magisterial powers. I cannot understand why it should be impossible for a man full of common sense and knowledge of the world, though deficient in the arts of reading and writing, to judge a question of fact. What cases do go up to the honorary magistrates? Offences under section 34 of the Police Act, or whether such a person had or had not a light on his motor car or trap, whether such a person was disorderly at such and such place on such a day, or such a burglary was committed in his house or hut, and so on. I do not think it requires an educated man, a product of the Allahabad or Lucknow University, to come to some conclusion on such very ordinary questions of fact. I have to remind my friend Pandit Nanak Chand that our great emperor Akbar was innocent of the art of reading and writing, but for all that he was the greatest ruler India ever had, both according to the Hindus and Muhammadans. Then look at the great Ranjit Singh, the Lion of the Punjab. He was quite innocent of the art of reading and writing and we know what a great empire he carved out for himself and to what state of military glory he raised his province. I think the idea that an honorary magistrate must be a person who is able to read and write is not always correct. No knowledge of Field's Evidence Act is at all necessary for such an officer to enable him to come to a conclusion on such ordinary questions that occur every day and are made over to him for decision. I, therefore, think that the idea of not appointing such persons who are men of position, men of honesty and respectability in the locality merely because they are not able to read and write is not correct.

I think the law has also come to their assistance. It is not now necessary that he should write his judgement. If a High Court Judge can dictate his judgement I do not see any harm in the honorary magistrate's dictating his judgement to a muharrir and simply attaching his thumb mark to the judgement.

Lieut. Raja Durga Narayan Singh: I am really surprised to hear the valuable suggestions of my honourable friend Mr. David. Though these suggestions may be pleasing to his mind, we, the non-official members and the official members sitting on this side of the House, are not convinced by the arguments that he has advanced in his speech. Well, I will put to my honourable friend one question. If a subordinate judge is not literate, will he be able to decide a case of lakhs and lakhs?

Mr. H. David: There is a vast difference between a subordinate judge and an honorary magistrate.

Lieut. Raja Durga Narayan Singh: Will a magistrate who is not literate be able to consult different law books and do justice to a person

[Lieut. Raja Durga Narayan Singh.]

who is entangled in some case or other? I think, Sir, from all quarters I will get the reply that no such person can discharge such responsible duties. The suggestions which my honourable friend on my left and Khan Bahadur Maulvi Fasih-ud-din have made are really worth to be considered and I hope the Government will be pleased enough to take necessary action in this matter.

Raja Sri Krishna Dutt Dube : I fully support my honourable friend Pandit Nanak Chand Sahib in this matter. I am myself an honorary magistrate so I know the position better than any other person. I have seen honorary magistrates working through the assistance of their peshkars and asking them about certain facts or about the law that is applicable to a particular case according to certain statements. Some of the honorary magistrates are no doubt very capable, but a majority of them are very ordinary persons and are not to be relied upon. Mr. David has just pointed out that he could not understand the suggestions which were put before this House. But, Sir, I fully understood them, though I am sitting so far away from the members, so I cannot at all agree with Mr. David on this point. My honourable friend Khan Bahadur Maulvi Fasih-ud-din has placed some suggestions before this House. I think these suggestions are most reliable and worthy of consideration, because until a man is tested, tried and examined, he cannot be expected to work as efficiently as he ought to. For instance persons who are given the posts of Civil Service have first to undergo a very hard examination in England before they are thought to be fit persons to hold responsible posts of district or joint magistratships. I hope the Hon'ble the Home Member will consider our views and will give some assurance that the grievance will be removed and that such incompetent persons will not be taken in future. With these words I take my seat.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The question of the appointment of honorary office-holders has been brought into this House many times before, and it was as the result of the interest taken by the honourable members of this House that some time ago instructions were issued to district magistrates asking them to take care that unless a man was fully qualified from every point of view, education and status, he should not be recommended. The honourable members have made certain suggestions during the debate, and I am glad to say that we are already acting to some extent upon them. For instance my honourable friend the member from Hardoi said that such courts should be examined annually and that a sort of annual report should be sent to Government. No reports are sent by the collector, but the Manual of Government Orders requires that all such courts shall be visited or inspected by sub-divisional officers at least once a year. So these courts are supposed to be inspected by sub-divisional officers, and, if possible, we shall try to make this point more clear to the collectors, impressing on them that such inspection should be regular. I may also inform the honourable members that when we issued instructions some time ago we took into consideration all those points which have been put before us during this debate. About those magistrates who have become very old and are regarded rather unfit for doing any work, we have said that when any honorary magistrate, who has done good work, becomes physically or otherwise unfit, he should be appointed an honorary magistrate for life, but that no further work should be made over to him

except work of a formal nature which he may still be qualified to perform. Further, in our instructions to collectors we have said . . .

Rai Bahadur Thakur Hanuman Singh : What about the new appointment of old men ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : About new appointments we have said that very old men should not be appointed.

Rai Bahadur Thakur Hanuman Singh : That is a very ambiguous term.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Then we have told our collectors that it is of the greatest importance that no gentleman should be selected who does not command respect and confidence, or whose appointment is likely to lower the reputation of honorary magistrates as a class. In another letter we have told them that in future they should take into consideration the age and general physical fitness for the performance of magisterial duties of the gentlemen proposed for such appointments and report their age when nominating them for appointment. Therefore it is quite clear that Government have tried their best to make such reforms in the appointment of honorary office-holders as were possible, and I can assure the honourable members of this House that we are acting in this matter according to their wishes. We do not want to appoint such people who are not fit for that job, but at the same time it should also be taken into consideration that these people are working honorarily. They are not paid for the work and to some extent the honourable members will agree with me, we will have to be lenient with them. I certainly do not mean by saying this that we want to tolerate any corruption or anything of the kind which will in any way reduce the standard of justice. I think the honourable members will be satisfied that we are doing all that can possibly be done to improve the standard of our honorary office-holders.

Pandit Nanak Chand : I need not take too much time of the Council in replying to the points raised by my friend Mr. David. He is often, if not always, unusual in his remarks. He cited the analogy of Akbar and Ranjit Singh. I just ask him how many Ranjit Singhs and Akbars have the ranks of the honorary magistrates produced so far, how many of them have carved out empires for themselves. Of course at least some if not all of them have succeeded in carving out a living out of these honorary offices, as is evident from the general reputation of some of them. This point was alluded to by my friend from Hardoi. Sir, my friend Mr. David does not consider it necessary for these honorary magistrates to be literate. I just wish to ask him what is the method he would adopt which would enable him to expect from these honorary magistrates that they will understand the provisions of the Evidence Act to decide questions of relevancy and irrelevancy while recording evidence and deciding as to what factors they should take and what not to take into account while delivering their judgement. I think that he is too advanced in age to be convinced by arguments of this kind.

Mr. H. David : These are personal remarks.

Pandit Nanak Chand : I did not mean to be personal specially to my esteemed friend Mr. David. If he takes my remarks in that spirit, I withdraw them unconditionally.

[Pandit Nanak Chand.]

Then the speech of my friend, the Hon'ble the Home Member, if taken at its face value, implies that the conditions prevailing at present in regard to this institution are ideal and that the Government is doing all it can and that all that has been suggested has already been done. He has been pleased to point out that instructions have been issued that men of position and men of education should be appointed, but I know it for a fact that there are many persons who are neither educated—I do not complain that they are not graduates, but what I mean to say is that they do not even possess the ordinary rudiments of reading and writing in the vernacular of their own district—nor financially well off. If the district magistrate takes care to inquire into their qualifications he will come to the only conclusion that it was a serious mistake to appoint them as honorary magistrates. Still we find that such persons have been recommended and the Government trusting that their instructions have been complied with has accepted the recommendations of the district magistrates in most cases. What I understand is, and I think the honourable non-official members will bear me out when I say so, that what counts with the district magistrates in most cases in the appointment of honorary magistrates is *khushamad* and downright flattery. It is the most important practical qualification. Many self-respecting gentlemen otherwise qualified, including retired judicial and executive officials, who are, as everybody will admit, competent to discharge the duties of even first class magistrates, do not care to offer their honorary services for the benefit of their district.

It was pointed out by my friend that instructions have been issued by the Government that very old people should not be entrusted with these powers any more. I know it for a fact that in my district our late collector and district magistrate removed some of the honorary officers from the list of honorary officers and they were given those powers over again, in spite of the fact that some of them were advanced in age and some of them had very bad reputations. It has been further pointed out that district magistrates are expected to see that only men commanding respect are given this privilege of holding the office of honorary magistrate and that on account of their being honorary officers the Government has to be lenient. I think the leniency should be as far as it relates to the amount of work. Being honorary officers the Government should not expect from them that they should be able to dispose of hundreds and thousands of cases every year. This is the right type of leniency which I can understand, but if the Hon'ble the Home Member means to let us believe that the standard of the administration of justice should be lowered because they are honorary officers I regret to have to disagree with him.

With these words I think that the answer given by the Hon'ble the Home Member is not convincing. We want that some effective steps should be taken to ensure that better recruitment is secured in the future and that inefficient honorary officers with doubtful reputation regarding their integrity are removed as early as possible. Unless this assurance is forthcoming from the Hon'ble the Home Member I do not see my way to withdraw this motion.

In the end I wish to thank all the non-official members who have so very kindly supported this motion.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: I am afraid that my honourable friend coming from my own district has misunderstood me on many points. First of all, I never said that the conditions

were ideal or that they cannot be made better than what they are today. Secondly, when I spoke about leniency I did not mean that we should allow them to be unjust. What I meant was this that we could not be so hard on them in fixing qualifications like educational qualifications and others as we could be on our paid magistrates: for instance, we cannot say that they should be all B.A., LL. Bs. . . .

Pandit Nanak Chand : It was never suggested.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Or else we are not going to take them in. To make the position more clear, I would like to refer the honourable members to one of our circular letters that we sent to all the commissioners. It was sent on April 3, 1925. I think it meets every point that has been raised during the discussion. We said:— . . .

Pandit Nanak Chand : It is a dead letter, I suppose.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Whether it is dead or alive time will show.

An honourable member : It is a printed letter any way.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : These are the instructions that we have issued to our commissioners:—

“The orders noted in the margin relate to the qualifications which a candidate should possess. District officers should avoid proposing persons who are either too young to assume the responsibilities of office or too old to pick up the work easily without previous experience. As a broad working rule in the case of first appointments (other than from among retired public servants) the age of 50 should be taken as the maximum age limit”

“Selections should ordinarily be made from those who have taken some interest in public work or served as members of a local body. Among landlords preference should be given to those who have managed their property with credit, and the fact that a man is heavily indebted should be, if not absolute bar, at least a factor militating against his appointment which should be brought to the notice of Government.”

I think these points make it particularly clear that only desirable men—men who are respected and who have got influence—should be appointed and such people should not be appointed who may prove undesirable. We have further said that retired Government servants constitute a valuable class of candidates because of their experience and knowledge of procedure. Then in the end we have said that “It is the earnest desire of Government that steps should be taken gradually to weed out incompetent, unreliable or unscrupulous honorary magistrates. The most drastic measure is the withdrawal of powers. It should be reserved for the worst cases, but provided that they can assign good reasons for the step and show that the honorary magistrate has abused his powers or position.” So we have issued instructions to the district magistrates that if they find any unreliable man and who is not using his powers correctly or who is deriving any benefit by abusing his powers then his powers should be withdrawn. Therefore, I think the honourable member will be quite satisfied that the Government is doing its level best. There is no reason for the Government to shield these honorary magistrates who are unreliable.

The motion was, by leave of the Council, withdrawn.

Motion No. 59.

Rai Bahadur Lala Mathura Prasad Mehrotra : I beg to move that the demand of Rs. 69,08,417 concerning general establishment at page 46 of the Civil Detailed Estimates be reduced by Rs. 1,001.

Sir, by moving this token reduction I want to refer to the question of the appointment of district advisory committees to advise the district officers. Sir, the question was first brought before this House in 1922 when a resolution was moved by Pandit Gokaran Nath Misra on October 26. Then, Sir, it was repeated by my friend Pandit Nanak Chand on March 18, 1925. It was again during budget discussion last year that I pressed the point, but the reply received from the Hon'ble the Finance Member was not convincing. I will just read one or two sentences of his reply and then discuss it. He said:—

“It would impair the responsibility of the district officers and also impair the legitimate authority of the Legislative Council. A purely nominated body would command no weight of any kind. There would, therefore, inevitably be a demand for election, and once we had an elected body as an advisory committee, that body would claim something in the nature of a mandate. For these reasons we regretfully come to the conclusion that it was impossible to accept this resolution.”

Sir, there are two points in the reply of the Hon'ble the Finance Member. First, the difficulty of management in the way of impairing the authority of the district officers. Sir, this will be purely an advisory committee and as its function will be only to advise district officers I do not think that to advise on certain matters means to give a mandate. Our Legislative Council advises His Excellency the Governor, but it is not necessary for His Excellency to accede to every advice of the Council. It is only those things which the Governor likes that he gives effect to. In the same way, if the advisory committee of the district advises the district officers upon some unpleasant matters, it is for the district officer to see whether it is according to his taste or not, and then to give effect to the advice, or not. So it never can be said that the advice of such an advisory body will be a kind of mandate. Then he said that it will impair the authority of the Legislative Council. I beg to disagree on this point also. There are so many advisory committees upon different departments, and I think almost all the departments, with few exceptions, have such committees and they have never stood in the way of impairing the authority of the Legislative Council. When it is the intention of the framers of the Reforms to give autonomy to the provinces it is in matters like these that real autonomy can be given. Then, Sir, the second point in his reply was that an election will be demanded. I will just suggest a very moderate constitution. These district advisory bodies should be constituted in this way—two members elected from the municipal board, two from the district board, and two members nominated by Government as well as members of the Legislative Council residing in the district which will be presided over by the district magistrate. I do not see, if a constitution like this is given to such committees, that there will be any difficulty of election, and these committees will then be quite representative. The municipal and district boards will be represented and the Council will be represented and Government will also have two nominated members. So, Sir, there will not be any difficulty in this question too. Sir, if such advisory committees are appointed, I think it will be in the interests of

good administration of the districts. Many important questions crop up during the administration of district officers and if they are referred to such bodies most of them would be solved then and there. Thus the advisory committees will be of help to the management in every way, and with these words I commend my motion for the acceptance of the House.

Hon'ble Sir Samuel O'Donnell : I am afraid, Sir, that I have been entirely unconvinced by the very eloquent speech of the honourable member who has just spoken. I pointed out to him that if these advisory committees were entirely nominated bodies they would not command any influence. As far as I can understand him, he himself agrees that they could not be purely nominated bodies. He agrees that they would have to have a large elective element. Once you have election, then I maintain these bodies will cease to be merely advisory. They would claim that they represented the district; they would claim that their views were not merely their personal views but the views of their constituents; they would claim something in the nature of a mandate, and that was why I said that the creation of these bodies would impair the authority of the Legislative Council. The district magistrate can, of course, always obtain the opinions of the leading residents of his district. As a matter of fact every district magistrate spends a great deal of his time in interviewing prominent persons in his district. There is no reason why he should confine himself to a particular selection from amongst those persons. It is far better that he should obtain opinions from all quarters rather than that he should regard himself as confined to the views of seven or eight persons. I may also remind honourable members that this whole question was considered at length by the Decentralization Commission and that the opinion of that very distinguished commission was decidedly against the appointment of advisory committees.

Pandit Nanak Chand : This subject is one which has come before the Council on several previous occasions. I remember, Sir, that this resolution was accepted on behalf of Government by Sir Selwyn Fremantle, officiating as Finance Member when Sir Ludovic Porter was on leave. Since then the Government has taken a *volte face* and they have gone back on their own pledged word. It has been pointed out that if the advisory committees are brought into being it will be demanded that there should be a large element of election. If this is the only difficulty in the way of Government and the Finance Member I am ready to concede for the present, that to begin with, to make an experiment of this institution, it need not have a very large element of election. If and when the committees are formed and are found to be satisfactory in working then the elective element should be increased. It was further remarked that if they are bodies constituted by election then they will claim that they represent the views of the districts and of their constituents and therefore they will consider their decisions to be mandatory always, to be followed by the district magistrate. This need not be the case. We have in our Council a number of committees. Take, for instance, the Finance Committee; it is purely an advisory committee. None of the members who have been elected by this Council has ever given any trouble to my honourable friend the Finance Member on this ground that they represent the Council and they represent this Council in that committee. Even when the elected members of the committee and the Government have disagreed, the Government have always been free to act as they liked. He has further suggested that the district

[Pandit Nanak Chand.]

magistrates are expected to ascertain the opinions of the leading residents of the districts. I wish this were so. My experience is that there are very few officers who are visited by people of all shades of opinion. There are certain humiliating conditions which have usually to be complied with for visiting these dignitaries in the districts which render it impossible for self-respecting Indians to call on them. They are kept waiting in the open sometimes in the sun or under the shade of trees for hours. They have no proper waiting rooms.

Mr. H. David : I question that—there are waiting rooms.

Pandit Nanak Chand : My friend Mr. David questions that, but what I say is from my own personal knowledge. On account of such conditions many self-respecting Indians do not care to visit the district magistrates. It is for this reason that I say that while leaving the district magistrates free to consult any person they like, they should be further required to consult the dispassionate public opinion of a representative committee on important and specified topics as suggested by my friend Mr. Mehrotra. With these few words I support the motion.

Rai Bahadur Lala Mathura Prasad Mehrotra : The official and non-official members of this House will agree with me when I say that the reply of the Hon'ble the Finance Member was half-hearted and halting. He has repeated the same arguments that he had brought forward before the Council during the last budget discussion in answer to my motion. As regards taking advice from prominent residents of the district, I say that after the appointment of such advisory committees the district officers will be at liberty to do so. The district advisory committees will never stand in the way of district officers taking advice from prominent residents of the districts. As regards the suggestion that the decisions of the committee will be a sort of mandate to the district officer, I submit that when the resolutions of an elected body like our Legislative Council cannot be mandates—they are only recommendations—how can the resolutions passed by such advisory committees be regarded as mandates? Therefore I think that the reply is not convincing at all and I do not see any reasons to withdraw the motion.

Hon'ble Sir Samuel O'Donnell : The honourable mover has said that my speech was half-hearted and halting. I can assure him that my opposition to this proposal was not in the least half-hearted. If I have used the same arguments as I used before, it was because that they seemed to me to be as valid as when I first used them.

The honourable member for Bulandshahr said that as regards the question of election he was quite willing that the greater part of the committee should be nominated. He also stipulated, however, for a certain elective element.

Pandit Nanak Chand : I did not say that a larger part should be nominated.

Hon'ble Sir Samuel O'Donnell : Then I quite fail to follow the honourable member. I understood him to say that if the objection of the Government was to these committees being elected bodies, then that could easily be got over.

Pandit Nanak Chand: I wanted to suggest that if the objection of the Government was that there would be a large element of elected members, then, to begin with, it need not be very large.

Hon'ble Sir Samuel O'Donnell: That is exactly what I said. The honourable member stipulates at any rate for an elective element. The honourable member afterwards went on to say that if the committees worked well they could become entirely elected.

Pandit Nanak Chand: Not entirely.

Hon'ble Sir Samuel O'Donnell: Very well, the greater part. I am quite certain, Sir, that once these committees are established the demand will arise that they should be entirely elected. I adhere to my argument that once they become entirely elected it will be difficult to treat them as purely advisory. The position of the Finance Committee is entirely different. The Finance Committee is a committee of the Council. It makes recommendations, and if those recommendations are accepted they then come before the whole Council and are dealt with by the whole Council. That is not the position of these advisory committees. If they are to be elected, then the people on these committees will certainly claim that their advice is not merely advice, that if not legally binding, at any rate their opinions are recommendations which the district magistrates could hardly disregard. I think these advisory committees are entirely out of place in connexion with an executive office. I think the business of an advisory committee—we have a number of them, in the Forest department, in the Irrigation department and so on is to advise on broad questions of policy. It is not their business to interfere in and deal with matters of detail. The district officer is essentially an executive officer. His function is to carry out the general orders of Government and the general policy of the Government as embodied in instructions and as embodied in law. It is not for him to initiate or lay down policy. So far as his work is concerned, although of course it is very desirable that he should know the views and opinions of leading residents in his district, I cannot see that there is any necessity whatsoever for an advisory committee. That also was the deliberate opinion of a very able commission, the Decentralization Commission.

The motion was put and the Council divided as below:—

Ayes (9).

Rai Sahib Chaudhri Sheoraj Singh
Pandit Nanak Chand.
Lieut. Raja Durga Narayan Singh.
Rai Sahib Babu Dip Narayan Roy.
Rai Bahadur Thakur Hanuman Singh.

Bhaya Hanumat Prasad Singh.
Dr. Shafa'at Ahmad Khan.
Khan Bahadur Maulvi Fasih-ud-din.
Rai Bahadur Lala Mathura Prasad Mehrotra.

Noes (35).

Hon'ble Sir Samuel O'Donnell.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Hon'ble Rai Rajeshwar Bali.
Hon'ble Thakur Rajendra Singh.
Hon'ble Nawab Muhammad Yusuf.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. B. D'O. Darley.
Mr. E. A. Lane.

Mr. K. G. Harper.
Mr. R. Burn.
Mr. A. W. Pim.
Mr. B. J. K. Hallows.
Mr. C. M. King.
Mr. H. G. Billson.
Mr. R. J. S. Dodd.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Mr. H. O. Desanges.
Mr. H. David.

Nees (85).

Lala Babu Lal.

Raj Bahadur Babu Ram Nath Bhargava.

Raja Narayan Pratap Singh.

Raja Sri Krishna Dutt Dube.

Mr. Muhammad Aslam Saifi.

Rao Sahib Abdul Hameed Khan.

Lieut. Nwab Jamshed Ali Khan.

Khan Bahadur Chaudhri Amir Hasan Khan.

Maulvi Muhammad Obaid-ur-Rahman Khan.

Khan Bahadur Hafiz Hidayat Husain.

Khan Bahadur Mr. Ashiq Husain Mirza.

Lieut. Raja Shaikh Imtiaz Rasul Khan.

The motion was therefore negatived.

Motion No. 60.

Khan Bahadur Hafiz Hidayat Husain: I beg to move that the demand of Rs. 5,51,160 concerning tahsildars under "Establishment" at page 46 of the Civil Detailed Estimates be reduced by Rs. 10.

It is only a token demand and I only want to find out what has become of the proposal that was made last year to give some extra allowance to the tahsildars of Cawnpore, Benares, Agra, Allahabad and Lucknow. I understand that a sum of Rs. 60 per month was settled to be given to these tahsildars, but I do not understand why this amount has not been budgeted. It is all that I want to know.

Hon'ble Sir Samuel O'Donnell: I believe, Sir, that there was a proposal to give this allowance to certain tahsildars. But, unfortunately, owing to lack of funds this proposal, which was in the schedules, had to be omitted. There is nothing very exceptional in that. The schedules contained a large number of proposals which had to be cut out because we had no money. Possibly next year this particular proposal may have a better fate.

Khan Bahadur Hafiz Hidayat Husain: I withdraw the motion.

The motion was, by leave of the Council, withdrawn.

Motion No. 61.

Khan Bahadur Maulvi Fasih-ud-din: I beg to move that the demand of Rs. 22,46,614 concerning (b) sub-divisional establishment at page 46 of the Civil Detailed Estimates be reduced by Re. 1.

I have got only two points to urge in connexion with this motion. The first is that tahsildars and naib-tahsildars are, in my opinion, rather badly treated in respect of emoluments. Time-scale of pay has been introduced in the case of clerks in the Secretariat and other offices and for vernacular teachers in the Education department. But these officers have been grudging that privilege in spite of the fact that they form the pivot on which rests the whole fabric of local administration. They are the right hand of the local head of the district in all executive matters. But I will deal with this subject in detail in connexion with the resolution that I am going to move at the next Council meeting.

The other point that I wish to bring forward is the question of the abolition of the Zamania tahsil in the Ghazipur district. I have been in Ghazipur for about three years in my official capacity and I know every inch of that district. The Zamania tahsil used to be one of the biggest tahsils in the district. No doubt its abolition was recommended by the Economy Committee, but along with this recommendation there was another recommendation for the abolition of the smallest tahsil of Ghazipur, viz., Saidpur. The recommendation for the abolition of the Zamania tahsil was conditional on the abolition of the district of Ballia. The district of

Ballia remains intact, but for some strange reason the Zamania tahsil has been abolished. The chief hindrance in the way of the abolition of Saidpur tahsil was stated to be that the river Gumti was between Saidpur and Ghazipur and that during floods it would be very difficult for the litigants of Saidpur to come over to Ghazipur. If that be the case, then the river Ganges which lies between Zamania and Ghazipur is a much greater hindrance. I know how difficult it is for the Zamania people to come over to the court of the tahsildar for conducting petty cases; during the rains it is almost impossible for them to come. I hear that the collector of Ghazipur, Mr. Ross, was not in favour of the abolition of this tahsil. If my information is correct, then the matter requires the serious consideration of the Government. I hope that the Government will be kind enough to have some pity for the poor residents of this Zamania pargana and to reconsider whether it is possible now to overhaul this question of the abolition of the Zamania tahsil, and, if one tahsil is to be abolished in the Ghazipur district, to reopen the question of the abolition of the Saidpur tahsil.

Dr. Shafa'at Ahmad Khan : I should like to draw the attention of the Government to the contemplated abolition of the Thakurdwara tahsil. The Economy Committee recommended that tahsil Thakurdwara should be abolished. That was in 1923, and the inhabitants of that tahsil, which I have the honour to represent, have been living under the sword of Damocles for about three years. There are all kinds of rumours afloat. Some say that the tahsil is going to be abolished; others say that it is going to be enlarged and part of the Kashipur tahsil will be added to it. It is not necessary to detail the disadvantages of such a state of affairs. In the first place the industry of the tahsil has suffered greatly. Owing to insecurity and to the various rumours that are afloat, very few people have any intention of settling down in the tahsil, and as a matter of fact some persons have already moved out of the tahsil and have gone to other places. I have been asking a series of questions on this point for the last two years. I put my first question in February or March, 1924. Since then I have put a string of questions in the Council and the Government have been kind enough to give the stereotyped answer—"The question is under consideration." Not only this question but every other question concerning administration is under consideration and remains under consideration for years. This question has remained under consideration for three years, and the last reply which the Hon'ble the Finance Member gave me was of the same type, namely,—"The question is under consideration." I should now like to put one question direct to the Hon'ble the Finance Member and it is this—"How long will this question remain under consideration?" Is there any limit fixed to the time which the Government have taken and will take before the question is decided, and, if so, what limits have the Government fixed? If the tahsil is combined with the Kashipur tahsil and is transferred to Naini Tal district it will cause ruin to thousands of people of the Moradabad district. It would be most difficult for the people of Moradabad to go to Naini Tal. I would urge the Government not to transfer it to the Naini Tal district. It will be financially, economically, industrially and administratively a highly injurious policy and will be opposed by all Moradabad people.

Mr. Muhammad Aslam Saifi : I might have recorded my vote without speaking on this matter but for one fact. I remember that some time

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ago some questions were asked about the abolition of the Zamania tahsil. When I put a supplementary question, I was told that, instead of the whole population of the tahsil opposing its abolition, the Government were in possession of information that there were people living in the tahsil who were pleased with the abolition. Since then I have made further inquiries and I am now in a position to inform the House that there is some truth in that statement which was made by the then Finance Member, and the truth is to the extent that there is one single person who is interested in the abolition. If the Government will make inquiries as I did they will get this information for themselves. I cannot for the life of me understand why an important pargana like Zamania should be attached to the sadr tahsil, when for every little piece of work or business that the people may have to transact, they have to cross the river. I think it is most unjust and unreasonable.

Pandit Nanak Chand : I understand that pargana Mahaich of the Zamania tahsil, as it used to be, has been amalgamated with the Chandauli tahsil in the Benares district, and pargana Zamania of the Zamania tahsil has been amalgamated with Ghazipur which is across the river Ganges on the other side of Zamania. There is one serious objection, which I readily admit has some force, and it is that the people of Zamania pargana have to cross the river Ganges which is rather difficult to cross at times during the year. On the southern side of Zamania there is the district of Shahabad in the province of Bihar. So that the Zamania tahsil cannot be amalgamated on the southern side. The only possibilities are to have the old tahsil restored, in which case the people of Zamania will have to cross the river Ganges in connexion with their work at district headquarters only to attend the court of the sub-divisional magistrate and sub-divisional officer, and the court of the collector. But the other alternative, namely its amalgamation with Benares district, could save them even this trouble of crossing the river Ganges for attending district courts. If this were done, then the people of Zamania tahsil will not have to go across the river Ganges either to the tahsil or to the district headquarters. Against this it might be urged that there is some difficulty about communications, but from the map I have got here I find that there are two railway lines perpendicularly to one another through Zamania tahsil, one of them in the direction of Benares. So the difficulty of communication for pargana Zamania with Benares cannot be very serious. I have been informed that there is one pargana, Karanda, across the river on the side of Ghazipur and the people of this pargana while going to Ghazipur, cross over to the side of Zamania and go to the other side and then they again cross the river to go to Ghazipur. Sometimes they find it convenient to cross the river twice over to reach Ghazipur on account of the difficulty of direct communication. But since this pargana Karanda is connected with the railway line and is not separated by the river Ganges, this might be retained in Ghazipur tahsil and the present difficulty of communication can be got over in course of time by providing some suitable road to connect pargana Karanda with Ghazipur.

Babu Dip Narayan Roy : I rise to support the motion of Khan Bahadur Maulvi Fasih-ud-din. The abolition of Zamania tahsil has not resulted in any real economy, because in Ghazipur tahsil one officer will have to be

increased to cope with the heavy work caused by the amalgamation of the Zamania tahsil. So the number of deputy collectors will remain the same as before. The only economy that has been effected by the abolition of the tahsil is the reduction of one tahsildar and one naib-tahsildar. Such a petty saving does not, to my mind, justify the abolition of the tahsil. I hope that the Government will be pleased to consider over the matter in consultation with the collector and the commissioner and will do the needful.

Rai Bahadur Thakur Hanuman Singh : I rise to support the statement of Khan Bahadur Maulvi Fasih-ud-din regarding what he said about the abolition of Zamania tahsil. Since its abolition the people of the old Zamania tahsil are very much agitated. They are holding meetings, passing resolutions, sending deputations, but up till now they have not been heard by any authority. Today too I find two representatives of these people in distress sitting in the Visitors' gallery.

Pandit Nanak Chand : Is the member in order in referring to the Visitors' gallery?

The Deputy President : The honourable member is not in order in referring to the Visitors' gallery.

Rai Bahadur Thakur Hanuman Singh : It is not only that they are here today to hear the debate, but they have been staying at Lucknow since a long time. I have been receiving letters from the residents of Zamania tahsil asking me to help them in their distress. Why they have been writing to me is because I was in Ghazipur district for a long time and as a partition officer I had several times to go to that tahsil, though I was never a sub-divisional officer. The town of Zamania is a historical town. During the Hindu period it was the capital of several rajas. Leaving aside its historical importance, the abolition of the tahsil has brought misery to several families which depended on trade by supplying flour and other articles to the litigants who used to attend the court of the tahsildar and had to be there for certain other business connected with the tahsil. These petty shopkeepers cannot find employment anywhere else. If the tahsil is not restored I do not know what will be their plight.

Then I come to the question of economy. In this connexion I would say that it is no economy. The Government might be able to save Rs. 3,000 per annum, but this saving would cost the people not less than Rs. 50,000 per annum, because they shall have to go over for the conduct of their cases to Chandauli and to Ghazipur and their absence from home will be injurious to their domestic and agricultural work.

Hon'ble the President here resumed the Chair.

At the same time they are sure to suffer inconveniences and discomforts. All these conditions, if taken into consideration, will cause the people a great loss and I hope the Government will graciously be pleased to reconsider the question of the abolition of the Zamania tahsil. I am informed that after the abolition the commissioner has reconsidered the question and he is in favour of the restoration of the tahsil, and I hope the Government will give favourable consideration to the views of the commissioner and to the views of the people residing in the tahsil.

Hon'ble Sir Samuel O'Donnell : I quite agree with Khan Bahadur Maulvi Fasih-ud-din Sahib that the tahsildar is a very important official. I cannot agree with him however that a time-scale is required for

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tahsildars. The time-scale is suitable in the case of those services in which a block of promotion may occur, but in the case of tahsildars there is absolutely no such danger whatever. We take every year a large number of tahsildars for promotion to the post of deputy collector and in addition there are a certain number of casualties due to death and retirement. The net result is that the whole service is renewed in about ten years. So instead of it being a case of too slow promotion it is rather a case of promotion being too rapid and at times the service suffers from an insufficient number of experienced tahsildars. For this reason it seems to me quite unnecessary to have a time-scale for this service.

I now come to the Zamania tahsil. I am not familiar with that district. In fact I have no personal experience of this area at all. But I do not think that the honourable mover is correct when he says that this proposal of the Economy Committee was based on the acceptance of the other recommendation, namely, that the Ballia district should be abolished. The committee proposed that the Ballia district should be abolished, but this proposal regarding the Zamania tahsil was not contingent on the acceptance of the proposal to abolish the Ballia district. On the merits of the case, Sir, looking at the map, it certainly seems to me that pargana Mahaich belongs much more appropriately to Chandauli than it does to Zamania. I believe that the communications between Mahaich and Chandauli are not very good. But, again, looking at the map it seems to me that it would not be difficult to remedy that. On the other hand, so far as the people in the area now attached to Ghazipur are concerned, I cannot see that there is any difficulty as regards communications, because I understand that there is a steam ferry crossing the Ganges. At any rate, Sir, this redistribution was carried out in November last and I think we should wait a little longer until we have had further experience of the results before coming to the conclusion that a mistake was made. I am quite ready to review the matter later in the light of further experience, and if it is shown that a mistake was made, we shall not shrink from reconsidering the matter.

Then, Sir, I come to the case of Thakurdwara. That matter is, I am afraid, still under consideration, but Dr. Shafa'at Ahmad Khan need not be afraid that the decision will be postponed till the Greek kalends. The fact is that two divisions are concerned and the two commissioners are examining the matter jointly. I think it probable that a decision will be arrived at in the course of the next few months.

Khan Bahadur Maulvi Fasih-ud-din : As to the question of tahsildars, I am not very much convinced with the arguments that have been advanced by the Hon'ble the Finance Member, but I will discuss this question threadbare in connexion with the resolution that I am bringing forward.

As to the question of Zamania, I should like to point out that the Ganges at Ghazipur is unusually big in volume and more when there are floods, which are usually of an abnormal nature, and one steam ferry boat is quite insufficient to meet the traffic from all parts of the Zamania tahsil. The cases that are usually instituted in the tahsil are very petty and for these petty cases people have to go to headquarters. Even for getting their leases registered they have to go there, as the registration office has also been removed from Zamania to Ghazipur. This is a very difficult task.

So while ~~not~~ pressing the first part of my motion with regard to tahsildars and naib-tahsildars, I should like to press the second part about Zamania, unless the Hon'ble the Finance Member gives me an assurance that the matter will be looked into and that the collector and the commissioner will be allowed to give their definite opinion about this.

Hon'ble Sir Samuel O'Donnell : I can only say what I said before that we will be quite prepared to review this matter later in the light of further experience. The redistribution took place only six months ago and it is too early to examine its results fully. We should be quite prepared to re-examine the matter when we have had further experience.

Khan Bahadur Maulvi Fasih-ud-din : I beg to withdraw my motion.

The motion was, by leave of the Council, withdrawn.

Motion No. 62 — Not moved.

Motion No. 63.

Rai Bahadur Thakur Hanuman Singh : I rise to move that the demand of Rs. 6,01,701 concerning total revenue record room establishment be reduced by Rs. 100.

My intention in bringing this motion forward is to invite the attention of the Government to the fact that record rooms have become shops where information is sold to litigants and also to the fact that the copying department is so corrupt that nobody can expect to get a copy unless he pays sufficiently to please the muasir and his subordinate copyist. It is my personal experience that, whenever the work in the copying department is heavy, those who apply for copies are asked by the officer in charge of that department to engage their own clerks to complete the work. When a man has to pay copying fee, he should certainly not be asked to pay for the clerks who may be engaged to complete the work of copying.

Hon'ble Sir Samuel O'Donnell : We have taken steps quite recently, steps in fact in this budget, to improve the work of the copyists. The staff of copyists has now been made pensionable. That should enable us to secure a better class of men and generally to bring about an improvement in the work of the copying establishment. It is news to me that when people put in applications for copies they are asked to provide somebody to make the copies. That of course is entirely irregular and contrary to orders. If extra staff is required at any time in a district it is open to the district officer to apply for temporary hands and I am not aware that we have ever refused any reasonable request. There is Rs. 70,000 expressly provided in the budget for temporary assistance to the copying establishments.

The motion was, by leave of the Council, withdrawn.

Motions Nos. 64 to 73—Not moved.

Hon'ble the President : The original demand was for a sum of Rs. 1,08,75,197 since when a reduction of Rs. 224 has been accepted.

The question is that this demand after deducting Rs. 224 be voted.

The net demand was voted.

Demand No. 30.**HEAD 5.—LAND REVENUE.**

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head "Land Revenue" a sum of Rs. 87,68,717 be provided and to move that this sum be voted.

Motion No. 1.

Khan Bahadur Hafiz Hidayat Husain : I beg to move that the demand of Rs. 37,500 concerning honorary assistant collectors establishment under "Establishment" at page 22 of the Civil Detailed Estimates be reduced by Rs. 10.

My only object in moving this motion is to draw the attention of the Government to the manner of the appointment of these honorary assistant collectors. We have just said enough regarding honorary magistrates, but the case of the appointment of these honorary assistant collectors is still worse. It is true that some of the honorary assistant collectors appointed are retired deputy collectors and they can be expected to work efficiently, but there has been an increase in the appointment of assistant collectors of the second class recruited from persons who are neither acquainted with law nor with procedure nor are some of them, even fairly, acquainted with reading and writing. The result is that the administration of revenue justice in such cases suffers.

Then, Sir, what I mean to suggest is that in the appointment of honorary assistant collectors regard should be paid to the educational qualifications of the person appointed, to his status as a zamindar, and also to his general probity. I know of certain cases where some of these gentlemen have been guilty of actions that would be discreditable to any class of officers. Now, these gentlemen function in the rural areas and the ignorant rustics when victimized dare not approach higher authorities. Therefore I think that in making these appointments stress ought to be laid on the literacy, on the environment, and on the educational attainments of these people and, above all, it must be considered that they are of status enough not to make a trade of their appointments, but that they will be expected to do the work honestly and faithfully.

Hon'ble the President : The honourable member had better speak to his motion No. 5 also.

Khan Bahadur Hafiz Hidayat Hussain : That is a separate matter, Sir,

Khan Bahadur Maulvi Fasih-ud-din : I would just make only one suggestion in this connexion and it is this, that the honorary assistant collectors who are not retired deputy collectors should not be re-appointed after their term of three or five years, whatever it may be, unless they pass some examination at the training school at Moradabad in Revenue and Tenancy Law.

Hon'ble Sir Samuel O'Donnell : I heard with some surprise the description given by my honourable friend the mover regarding honorary assistant collectors. We have had many criticisms regarding honorary magistrates, but I was under the impression that it was generally recognized that on the whole the work of the honorary assistant collectors

was not inefficient. Certainly, the Board of Revenue have, I believe, more than once borne testimony to the excellent work done by a number of honorary assistant collectors. But in any case the instructions to which my friend the Hon'ble the Home Member referred during the debate on honorary magistrates apply also to honorary assistant collectors. Similar instructions were issued in both cases and these instructions are designed to secure that people are appointed who have sufficient education and whose standing and general qualifications are such as to make it likely that they will be capable of deciding the cases brought before them. I do not think that we can accept the suggestion of Khan Bahadur Maulvi Fasih-ud-din, that those honorary assistant collectors who are not retired officials should have to undergo a competitive examination at the end of three or four years.

Khan Bahadur Maulvi Fasih-ud-din : I did not say competitive examination.

Hon'ble Sir Samuel O'Donnell : I should not have said that. I meant a qualifying examination. That would be rather hard on them, and I fear the result would be that we should have very few applicants for the post. Of course I admit that honorary assistant collectors must have a sufficient knowledge of land revenue law. Generally speaking, from the point of view of legal knowledge their attainments must be higher than those of honorary magistrates and for that reason the number of honorary assistant collectors is a good deal smaller than that of honorary magistrates. Anyhow, I can assure honourable members that we are doing all that lies in our power to get the best men possible for the work and to eliminate all those who are really unfit.

Rai Sahib Chaudhri Sheoraj Singh : I wanted to make a suggestion in this connexion. Honorary assistant collectors should be appointed with their jurisdiction in the places where they live. What happens now is that honorary assistant collectors of low powers are appointed and given jurisdiction over places where they do not live. In the Bulandshahr district the assistant collector of Sayana lives in Bulandshahr but he decides cases from pargana Sayana. He has, besides this, also got second class magisterial powers. People from Sayana and mufassil have to go for petty cases to Bulandshahr and they are put to great trouble. The dates are changed day by day. There are very old cases pending in his court, as he has no time. I would therefore request the Government to appoint such honorary assistant collectors as may hold their courts within the limits of their jurisdiction, so that the public may not be put to trouble.

Khan Bahadur Hafiz Hidayat Husain : I beg to withdraw the motion.

The motion was, by leave of the Council, withdrawn.

Motions Nos. 2 to 5—Not moved.

Motion No. 6.

Bhaya Hanumat Prasad Singh : I rise to move that the demand concerning total partition establishment at page 23 of the Civil Detailed Estimates be reduced by Rs. 10.

In partition cases it is generally seen that unnecessary and unusual delays are made. Parties after filing suits of partition go on attending

[Bhaya Hanumat Prasad Singh.]

the courts and the proceedings continue year after year and even then the partition work is not finished. It would be much better in the interests of the people if a separate officer be set apart in order to do the partition work. Partition works are generally taken on holidays when sub-divisional officers have got nothing to do. In holidays it has been often seen that they indifferently go on trying the cases. They take up one or two points and then postpone them. This procedure involves a great deal of expense, and so I bring forward my suggestion that if a separate officer be set apart, it would greatly facilitate the work and save a large amount of money and do much good to the parties concerned. With these few words I beg to commend my motion for the acceptance of this House.

Mr. R. Burn : The honourable member has certainly referred to one of the weakest spots in revenue court work. Partition cases run on for much longer time than they should if proper attention were given to them. This is, however, not always the fault of the court. In many courts cases are dealt with as quickly as the complexity of the matter demands. But we have a rule which shows that the parties themselves are very often to blame for delays. The rule is one which empowers the Collector to saddle any co-sharer who has deliberately been delaying the proceedings with an extra share of the costs. I think that if parties brought to the notice of the officer trying the cases instances of delay of that kind we should have fewer complaints. In the revenue year which has just closed, i.e., 1924-25, the statistics show that there has been a considerable improvement in many districts. The matter is one which has constantly been impressed on the district officers and the commissioners. The honourable member has suggested that the work would be expedited if all the partition cases in the district were concentrated in one court. That used to be the old practice, and it was departed from because it was found that there were not sufficient officers with suitable training in partition work. If a partition officer goes on leave, the whole of the work of the district has to be turned on to an officer who has probably never seen a partition case. A suggestion has, however, just been made which is now under consideration that partition work should not be made over to an assistant collector till he has gained a certain amount of experience, rather more than is the case at present. Honourable members are aware that an assistant collector cannot try suits for enhancement of rent until he has been specially empowered by Government, and the suggestion that is now under consideration is that partition officers should be specially empowered in the same way. In any case, I can assure the House that this question of partition work is one which needs constant attention.

Bhaya Hanumat Prasad Singh : The answer which the honourable member of the Board has given does not appeal to me.

Khan Bahadur Maulvi Fasih-ud-din : Is the honourable member pressing the motion ?

Hon'ble the President (to Bhaya Hanumat Prasad Singh) : Go on, please.

Bhaya Hanumat Prasad Singh : The honourable member says that it is being considered, but years and years have passed since in this very House this motion was brought forward, but no improvement has yet been

made. I see that elongation in partition work is not being stopped and the work is not done expeditiously. I therefore press the motion.

Hon'ble Sir Samuel O'Donnell: I have nothing to add to what has been said already. The figures which Mr. Burn referred to have not yet been published. Perhaps the honourable mover will await those figures?

Hon'ble the President: What is the exact issue before the House now?

Bhaya Hanumat Prasad Singh: I press the motion.

Hon'ble the President: To what purpose?

Bhaya Hanumat Prasad Singh: To expedite partition proceedings.

The motion was put and negatived.

Motions Nos. 7 to 9—Not moved.

Hon'ble the President: We now come to 5-C. I might say in this connexion that two honourable members wishing to have the honour of moving the motion for reduction of this demand came to me privately. I do not think I shall name the two, although I might do so with their consent. I can quite appreciate and realize the reasons for that. But I have ascertained from the office that Mr. Mehrotra was the first in the field with this motion, although in the process of shuffling he comes to occupy place No. 15 rather than No. 11. There is a slight defect in his motion as to the figures of the demand, but that is not an integral part of the motion. He need not mention that amount at all. As notice of his motion was received earliest, therefore I call upon Mr. Mehrotra to move motion No. 15, which stands in his name.

Motions Nos. 10 to 14—Not moved.

Motion No. 15.

Rai Bahadur Lala Mathura Prasad Mehrotra: I beg to move, Sir, that the demand concerning survey and settlement operations under "5-C—Land Revenue" at page 27 of the Civil Detailed Estimates be omitted. Sir, I thank you very much for allowing me to move this motion. The question of survey and settlement is a very old question, and I do not want to go to the history of it at this late hour. It was a burning question in the pre-reformed Council about thirteen years ago, it was a burning question with the first Council after the reforms, and since this Council came into being this is the tenth time now that it has been brought before the House. But this Government can very well appreciate our strong desire and feeling that the extension of the term of settlement should be first declared before any settlement should be taken in hand. Government has always taken this view that by correction of records and survey operations they do not mean to make settlement. But, Sir, I beg to differ there. Survey and settlement operations are going to be carried out in those districts which are due for the settlement. That very question shows that Government is anxious for the settlement. Sir, in this question Government is consistent in getting these items certified by His Excellency the Governor, while we

[**Rai Bahadur Lala Mathura Parsad Mehrotra.**]

the landlords are consistent in omitting it. So, Sir, both of us are not followers of the dictum announced by the leader of the swaraj party. I mean Pandit Moti Lal Nehru. We have waited and worked with the records for the last 30 years and they have never given us any trouble. If we again wait for a year or two I do not think there will be any great harm. The records are not so bad as they are thought to be. They are yearly corrected by the patwaris, qanungos and supervised by naib-tahsildars, tahsildars, deputy collectors and all the executive officers of the district. I should say. After such a close supervision one cannot expect the records to be waste papers. We know, Sir, that the question of the extension of the term has been embodied in a Bill which is going to be referred to a select committee, but still that will take a year or two more before any final decision is pronounced by the Government, because I think that the Government will have to take the sanction of the Secretary of State for India. We can easily wait for that short time and the record operations can be easily postponed. We require money for expenditure in other directions. If this decent sum can be got hold of we can easily spend it on our nation-building departments. We can easily increase our closing balance, which is not satisfactory according to the Hon'ble Finance Member. Having regard to all these facts it is but right that the survey and settlement operations should be postponed till the final decision of the Government of India is announced about the extension of the term of settlement. I therefore commend this motion to honourable members of this House for their acceptance.

Rai Sahib Chaudhri Sheoraj Singh : The budget under this head was disallowed by this Council in 1924 on a motion moved by the late Shaikh Shahid Husain on the ground of the repeated demand of the Council for the extension of the term of settlement from 30 to 50 years. Again, in the succeeding year 1925 the demand was thrown out by the Council and certified by His Excellency the Governor the second time similarly. Now, Sir, the record operations are going on with full force and are proceeding from one district to another. This year Government are going to extend them to three more districts, Fyzabad, Bahraich and Meerut. Government have repeatedly said that these operations are not to be followed by land revenue assessment operations; but it is an open secret now that they are actually meant for land revenue assessment. From the Land Revenue Bill, which is to be introduced in the Council the day after to-morrow, we find that it is the decision of the Government not to extend the term of the existing settlements. The demand of the Indian nation has long been for permanent settlement, and we in this Council have agreed to make a modest demand of 50 years' settlement, but it appears that Government has made up its mind not to extend it even by a year, not to speak of 20 years. The cat is out of the bag now, and we have to face the situation, namely, the land revenue assessment at the end of 30 years period. The zamindar class is therefore very much alarmed and there is a considerable feeling of discontent among them. This class supply to the Government the bulk of the provincial income in the shape of land revenue; they helped Government on every occasion and in times of necessity, and I make bold to say that they have helped Government even against national movements. They have been loyal to the backbone and their interests are linked with the interests of Government. I ask Government if they deserve this treatment. They are gradually drifting towards poverty and ruin. The number

of coercive processes has risen to more than two lakhs per year; and the sales of their ancestral property and even of movables are increasing so rapidly that there is a great fear that the land-owning classes who have been the main support of the Government will be destroyed.

The settlement is as hateful to a zamindar as it is to the tenant, whose rates are increased enormously at the time of settlement. The demand of 50 years is therefore a legitimate demand of both the landlord and the tenant. But the settlement which is being introduced seems to insist on not increasing the term of the existing settlements. We have therefore no option but to cut down the whole demand under survey and settlement. The Council has done this twice and considering the present situation which this Bill has created and also in order to keep its dignity and honour this Council I hope would abide by the decision of the last year. I appeal to the honourable members in the interests of their electorates and in the name of their self-respect to throw the whole demand.

Lieut. Nawab Jamshed Ali Khan : This question has been discussed more than once on the floor of this House and therefore I do not think that I can add any more to the subject. We have been saying that the Government has always stood for the welfare and prosperity of the tenants. But in this particular instance, viz., the question of settlements, they have not cared for them. I would tell the Government that if they cared to see the poor condition of the tenants and landlords they will come to know to what limit the heavy taxation has gone. No doubt those who live paradisaical lives could hardly think of the condition of these people. But, Sir, in the name of these poor classes of tenants and zamindars I would ask the Government to enhance the term of settlement, as has been demanded many a time. I hope Government will see its way to accept this motion.

Rai Bahadur Babu Ram Nath Bhargava : I rise not to waste the time of the Council and not to repeat the arguments that have already been advanced, as this is not a new question. It is an old question. It was discussed last year and before in this Council and carried. Now I wish to show what is meant by correction of records and survey operations. The general belief among the people is that it is for revision of settlement. The general belief is that this correction of records and revision leads to enhancement of land revenue. Therefore the people are afraid that if corrections are carried out it would lead to re-settlement of the districts. As an instance I shall quote the case of Muttra district. The last expiring settlement was made in 1872—79.

Hon'ble the President : I am afraid Muttra settlement is not under discussion now.

Rai Bahadur Babu Ramnath Bhargava : I am not referring to that, Sir. I wish to show what the correction of records means. I wish to show what the assurances of the Government are and how far they are carried out. The question of revision arose in 1901. The Board of Revenue reported then that it will not result in enhancement of revenue. Therefore the term of that settlement was extended for fifteen years. This shows that generally the policy and intention of the Government is to enhance the revenue. Then they considered that it was not the fit time to enhance the revenue, therefore they extended the term for fifteen years. In 1920 again the question of the revision of the records arose. His

[Rai Bahadur Babu Ramnath Bhargava.]

Excellency Sir Harcourt Butler, then Lieutenant-Governor of these provinces, visited Muttra. He had a conference with some of the zamindars and assured them that there was no intention to enhance revenue but that there was to be only a revision of records. The operations continued, resulting in the re-settlement of the district, which was completed in 1924-25. In spite of the precarious condition of the district, the re-settlement was carried out and there was an increase of 1½ lakhs. This means that little or no margin is left and the tenants and zamindars both have been left entirely at the mercy of Government. The history of the district during the last 40 years has been of successive calamities and their effects can be seen in the decrease of the cultivated area and in the decline of the population. This district has suffered more than any other district in the province from over-assessment and there have been no less than seven partial remissions of revenue.

Hon'ble the President : I do not think that the re-settlement of Muttra is under the contemplation of Government in the near future. The honourable member is therefore out of order.

Rai Bahadur Babu Ram Nath Bhargava : I am merely quoting it as an instance, but as the President rules me out of order, I sit down.

Raja Shambhu Dayal :

جناب پریسیڈنٹ صاحب —

تمہیں بیس منٹ کے ہائی رہ گئے ہیں اور اب پانچ بج چاہتے ہیں۔ اگر یہ بحث ختم نہ ہوگی تو ہماری مخالف پارٹی کے موافق یوں ہی فیصلہ ہو جائیگا اور ہمارے فائنڈس میمبر صاحب جیسا چاہینگے کریں گے لہذا اب نہ زیادہ قوی دلائل کی ضرورت ہے اور نہ زیادہ بحث کی — البتہ ضرورت اس بات کی ہے کہ جس وقت روٹنگ ہو تو آپ صاحبان اس کے خلاف ووت دیں تاکہ گورنمنٹ کو اس طرف توجہ ہو اور وہ ہماری خاطر اس بندوبست کو روک دے۔ حالانکہ ہم کو اس کی امید بہت کم ہے کیونکہ اگر ہمارے ہی ہو گئی تو ہمارے ہر ایکسپلینسی سرٹیفکٹ لکھ دینگے اور بندوبست ضرور ہوگا۔ لہذا میری رائے میں کسی بحث کی ضرورت نہیں ہے۔ صرف میں اتنا عرض کرنا چاہتا ہوں کہ آج کل زمینداروں کی حالت نہایت اہتر ہو رہی ہے اور ان زمینداروں نے ہمیشہ گورنمنٹ کی امداد کی ہے — ایک مثال میں پیش کردینا جو حالانکہ بہت پُرانی ہے لیکن بہت مبزوں ہے — ایک شخص نے ایک مرغی خریدی تھی وہ روزانہ ایک سونے کا انڈہ دیا کرتی تھی اُس شخص نے لالچ میں آکر سوچا کہ روز روز ایک انڈہ لینے کی کیا ضرورت ہے کیوں نہ اس مرغی کا پیٹ چاک کر کے سب سونا ایک دم نکال لیا جائے (قہقہہ) — لیکن جب اُس نے پیٹ چاک کیا تو مرغی بھی جاتی رہی اور ہاتھ کچھ تھک آیا — لہذا ایسا لالچ نہ کرنا چاہئے جس میں مرغی کی جان بھی جائے اور پھر کچھ ہاتھ بھی نہ آئے — لہذا گورنمنٹ کو اس کا لحاظ رکھنا چاہئے اور زمینداروں کی حالت کو بدستور قائم رکھا جائے تاکہ جس طرح سے یہ مدد دیتے رہے ہیں اُسی طرح سے گورنمنٹ کی مدد کرتے رہیں *

Hon'ble Sir Samuel O'Donnell : On the last occasion when this subject was discussed, I was unable to tell the Council what our intentions

were as regards the present settlements. That was because the whole subject was under correspondence with the Government of India, and I was precluded therefore from making any statement regarding our final decision in the matter. We had undertaken to consider the arguments of those who favoured an extension of the term of the present settlement. I was careful indeed to point out again and again that there were very serious objections to the proposal that the term of the existing settlement should be extended. I also pointed out again and again that the utmost that we could do was to consider the arguments that were advanced in favour of the extension of the present term. Since then the orders of the Government of India have been received and we have published our Bill. The honourable members will have seen, if they have looked at the Bill, that whilst we propose that when a new settlement is made it should be made for 40 years, we do not propose any extension of the term of the existing settlements. I do not propose on the present occasion to go into any lengthy discussion on the merits of our decision. I will only point out that the existing settlements are based on definite contracts and that owing to the great rise in prices which has taken place those contracts have certainly not been unfavourable to the landlord, that settlements in these provinces have never been made for a longer period than 30 years, and that I am not aware that any other province has proposed that the term of the existing settlements should be extended. But as it is our intention that new settlements should be made when the term of the existing settlements has expired, I have not the least concern to deny that the revision of records will be very valuable from the point of view of settlement operations. But that of course will not be the only purpose that it will serve. I adhere to what I have said again and again in this Council, namely, that if we were never to have any new settlements in these provinces and indeed if permanent settlements were to be introduced straight-away, it would still be necessary to revise the records periodically. In provinces where there is a permanent settlement they have periodical revisions of records, and we have had them in the areas in these provinces in which there is a permanent settlement. We have had settlements in connexion with which there has been no revision of records, but undoubtedly the revision of records, is very valuable from the point of view of the settlement officer. That is not the only purpose which the revision of records serves, but I entirely admit that that is one purpose which it will serve.

Khan Bahadur Maulvi Obaid-ur-Rahman Khan: I had no intention of speaking on this motion, but the reply of the Hon'ble the Finance Member has just induced me to say something. The Government is aware that it is a long-felt desire of the zamindars of these provinces to have the term of the present settlement extended, and therefore, unless an assurance is given by the Government that the term of the present settlement will be extended, we propose to throw out the budget for the revision of records, though I know the Government will have the amount certified by His Excellency. As far as I understand the Government do not contemplate the extension, though there may be some improvements in the term of the settlement in the proposed Bill. But nothing can satisfy us unless the extension in the present term is granted. It is a question which affects the zamindars and tenants alike. We are not crying for the zamindars only, but we are crying for the tenants also. As I have already said, it is the desire of each and every tenant and each and every zamindar to

[Khan Bahadur Maulvi Obaid-ur-Rahman Khan.]

have the term of the present settlement extended, and I hope the Government will give due consideration to it. I therefore support the motion.

Khan Bahadur Maulvi Fasih-ud-din : The question of settlement has really been a very vexed question. It has been an eye-sore both to the Government and to the millions of agriculturists in these provinces. I candidly assert that, but for the ability, eloquence and unique genius of Sir Samuel O'Donnell, the Government would have been driven to the wall long ago on account of the universal demand of the public for the extension of the term of settlement, not only of the future settlements but of the existing ones also. Now that the new Settlement (Amendment) Bill has been tabled, and a bomb has been fired by the Hon'ble the Finance Member in the shape of an announcement that the Government have determined not to extend the term of settlement, the cat is out of the bag. We have been all along told that record operations have nothing to do with settlement operations. I remember that Sir Selwyn Fremantle interrupted me several times and said that I did not know the rules, that the chapter on the record work in the Land Revenue Act was quite different from the chapter on actual assessment work, and he said that, in spite of the fact that I had so much settlement experience, I was hitting the wrong nail when I was saying that these record operations were a necessary link of the settlement operations. The allegation of the Hon'ble the Finance Member that the matter was before the Government of India does not at all satisfy us. I concede that there has been a rise in rents and also in cultivation owing to the boom in market brought about by the war and the subsequent political agitation that followed it. I concede that in a large number of districts the enhancement of land revenue is going to be held, and that taking all the districts as a whole in the province there is going to be an enhancement of about a lakh or two in the shape of increase in land revenue; but certainly I do not understand the position of the Government. It should have stated its case in a more candid and more straightforward manner; it should have stated that if the Council does not allow us to impose new taxes, we are getting so much enhancement in the shape of land revenue and that we do insist on having a settlement. That statement of case would have certainly carried more prestige with it and would have enlisted the esteem and respect from all of us. But the more we fought against the operations of this settlement the more the Government convinced us that it was not possible that they were to be followed by the actual assessment work. I pointed out more than once that it was a strange irony of fate that these record operations were started only in those districts in which the term of the settlement was coming to an end and I say that we smelt the rat. But all those statements of mine were flouted by the Government, and, in spite of the fact that as a protest we disallowed the budget for survey and settlement twice, the Government certified it and assured us every time that these record operations were for the benefit of the landlords and for the benefit of the tenants. Sir Selwyn Fremantle told us more than once that we were carrying on these operations in those districts in which the term of the settlement was coming to an end because the records had been lying for such a long time untested and uncorrected, and for that reason alone they were carrying on these record operations. But now I again say that we have been rather treated unfairly by the Government. For that reason I give my whole-hearted support to the motion.

Rai Bahadur Lala Mathura Prasad Mehrotra : The reply of the Hon'ble the Finance Member is very disappointing. We know that the records ought to be corrected, even in those provinces which have got permanent settlement and we all have no objection to it, if our two demands are conceded, firstly, that the term of the present settlement should be extended; secondly, that the term of the settlement should be increased to at least sixty years and not forty as has been suggested in the Bill. Both these points are according to the desires of the landlords. If we will examine the condition of the tenants, as well as the landlords, we will come to know that we cannot gain anything by the settlement at the present time. The condition of the tenants is so bad that they are living from hand to mouth. There are many who get food only once a day and many who get even on alternative days. Therefore, we cannot expect anything from them. As regards the landlords, more than ninety per cent. are in debt. If the condition of the landlords had been better, the Government could have expected something from them. Therefore, taking the conditions of both the landlords and tenants into account, nothing can be expected and I beg therefore that the term of the present settlement should be extended to sixty years.

Hon'ble Sir Samuel O'Donnell : Khan Bahadur Maulvi Fasih-ud-din has said, if not in so many words, at any rate in words which imply it, that we held out the hope that the term of the existing settlements would be extended. Now, I deny that entirely. I need only refer the Council to what I said on February 28, 1924, on this same question. I said: "I must not be understood, however, as meaning to say that, if we should decide that any future settlements made are to be made for a longer term than 30 years, that decision would imply the extension of the term of the existing settlements. If I said anything which has given rise to that impression, I hope I have now made our position clear. There is the question as to the period for which future settlements are to be made. We will consider that question along with the other proposals of the settlement committee. But it is quite another question whether the period of the present settlements should be extended. That is an entirely different matter. I pointed out to the Council the other day the difficulties regarding that particular proposal. I also pointed out that the decision did not rest in our hands. The ultimate decision rests with the Government of India. At the same time, I said that we would consider the arguments which have been urged in favour of the extension of the term of the existing settlements." Then I went on to say during the course of the same debate:—"I wish merely to repeat what I have just said in reply to certain questions, because I do not wish that there should be any misapprehension regarding the attitude of the Government. We do recognize that whatever decision is taken regarding the normal period of settlement, or the percentage of assets normally to be taken, or the methods by which assets should be calculated, must apply to the new settlements now in progress. But that is quite a distinct question from the question of extending the term of the existing settlements. As regards, that question, all that I can say, as I said before in the earlier debate, is that it is a very difficult question, and the utmost that we can say is that we shall be prepared to examine the arguments in favour of such an extension." We did examine the arguments very carefully before forwarding our proposals to the Government of India and we came to the conclusion that it was impossible to justify an extension of the term of the present settlements.

[Hon'ble Sir Samuel O'Donnell.]

As regards the revision of records, again I deny that either I or Sir Selwyn (Fremantle) ever said that the revision of records would not be useful for the purpose of the revision of settlement. What we did say was that even if permanent settlements were introduced straight away the revision of the records would still be required.

The motion was put and the Council divided as below:—

Ayes (23).

Raja Muhammad E'jaz Rasul Khan.
Rai Sahib Chaudhri Sheoraj Singh.
Lala Babu Lal.
Rai Bahadur Babu Ram Nath Bhargava.
Rao Sahib Kunwar Sardar Singh.
Lieut. Raja Durga Narayan Singh.
Raja Narayan Pratap Singh.
Raja Sri Krishna Dutt Dube.
Bhaya Hanumat Prasad Singh.
Mr. Muhammad Aslam Saifi.
Rao Sahib Abdul Hameed Khan.
Lieut. Nawab Jamshed Ali Khan.
Maulvi Muhammad Obaid-ur-Rahman Khan.

Khan Bahadur Hafiz Hidayat Husain.
Dr. Shafa'at Ahmad Khan.
Saliyd Muhammad Ashiq Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Bahadur Hakim Mahbub Ali Khan.
Khan Bahadur Mr. Ashiq Husain Mirza.
Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Rai Bahadur Lala Mathura Prasad Mehrotra.
Raja Shambhu Dayal.
Lieut. Raja Shaikh Imtiaz Rasul Khan.

Noes (18).

Hon'ble Sir Samuel O'Donnell.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. B. D'O. Darley.
Mr. H. A. Lane.
Mr. K. G. Harper.

Mr. R. Burn.
Mr. A. W. Pim.
Mr. B. J. K. Hallowes.
Mr. C. M. King.
Mr. H. G. Billson.
Mr. R. J. S. Dodd.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.

The motion was therefore adopted.

Motion Nos. 16 to 27.—Not moved.

Hon'ble the President: As it is five o'clock now, I have to put to the House forthwith all outstanding questions in connection with demands under rule 29 (3). The original demand under head "Land Revenue" was for Rs. 87,68,717. Since then reductions to the extent of Rs. 8,24,350 have been made. The net demand therefore to be voted is Rs. 79,44,367.
The demand was voted.

Demand No. 31.

EXPENDITURE IN ENGLAND.

The demand under head "Expenditure in England" for Rs. 5,30,099 in accordance with the recommendation of His Excellency the Governor was put and voted.

Demand No. 32.

INTEREST ON DEBT.

The demand under head "Interest on debt" for Rs. 8,400 in accordance with the recommendation of His Excellency the Governor was put and voted.

Demand No. 4.**HEAD 87.—MISCELLANEOUS DEPARTMENTS.**

The demand under head "Miscellaneous departments" for Rs. 70,203 in accordance with the recommendation of His Excellency the Governor was put and voted.

Demand No. 8.**HEAD 41.—CIVIL WORKS.****HEAD 60.—CIVIL WORKS NOT CHARGED TO REVENUE.**

The demand under head "41—Civil Works" and "60—Civil Works—Public Works establishment" for Rs. 11,02,951 in accordance with the recommendation of His Excellency the Governor was put and voted.

Demand No. 9.**HEAD 41.—CIVIL WORKS—GRANTS-IN-AID.**

The demand under head "41—Civil Works—Grants-in-aid" for Rs. 6,13,450 in accordance with the recommendation of His Excellency the Governor was put and voted.

Demand No. 10.**LOANS AND ADVANCES BY PROVINCIAL GOVERNMENT.**

The demand under head "Loans and advances by the Provincial Government" for Rs. 27,21,000 in accordance with the recommendation of His Excellency the Governor was put and voted.

The Council was then adjourned till Monday, the 29th instant.

APPENDIX A.

(See page 217, *supra*.)

Statement referred to in answer to starred question No. 33(b)
for March 27, 1926.

Number.	Name.	Date of appointment to the III grade.
<i>I grade, pay Rs. 160.</i>		
1	Gur Sahai	March 1, 1908.
2	Debi Dat	March 1, 1914.
3	Ishwari Lal	May 1, 1917.
4	Binda Prasad	March 6, 1915.
5	Anant Prasad	April 2, 1919.
<i>II grade, pay Rs. 135.</i>		
1	Krishna Nand	July 28, 1916.
2	Sitla Sahai	November 1, 1918.
3	Durga Dat	April 18, 1917.
4	Gopal Rao	November 1, 1919.
5	Deoki Narain	December 4, 1919.
6	Indra Lal Sah	March 10, 1920.
7	Gopal Dat	April 1, 1920.
<i>III grade, pay Rs. 110.</i>		
1	Kunj Behari Lal	March 1, 1921.
2	Kishan Dat	January 15, 1923.
3	Dina Nath	January 26, 1922.
4	Lakshmi Dat Pant.. ..	July 3, 1922.
5	Keshab Dat	December 1, 1922.
6	Abdul Karim	May 1, 1924.
7	Rama Nand	January 1, 1925.
8	Mathura Das	May 1, 1925.
9	Lalta Prasad	July 1, 1925.
10	Heera Ballabh	October 6, 1925.

APPENDIX B.

(See page 217, *supra*.)

Statement referred to in answer to starred question No. 35 (b)(i)
for March 27, 1926.

From—	To—	Reason.	Clerk who officiated.
1-7-1920 .	31-10-1920 ..	Privilege leave ..	Pandit Mathura Datt, head clerk, II grade.
5-10-1923 ..	4-2-1924 ..	Leave on average pay on medical certificate.	Pandit Ishwari Datt, assistant clerk, from October 10 to November 3, 1923, Pandit Krishna Nand, head clerk, from November 4, 1923 to February 4, 1924.
25-9-1924 .	31-10-1924 ..	Ditto ..	Pandit Ishwari Datt from September 25 to October 8, 1924. Pandit Krishna Nand, head clerk, from October 9 to October 31, 1924.

From—	To—	Reason.	Clerk who officiated.
13-3-1925 ..	17-4-1925 ..	Leave on average pay on medical certificate.	Pandit Ishwari Datt from March 13 to March 15, 1925, and April 9 to April 17, 1925. Pandit Krishna Nand, head clerk, from March 16 to April 8, 1925 Pandit Lakshmi Datt Pant has not previously officiated as head assistant.

APPENDIX C.

(See page 218, *supra*.)

Paper referred to in the answer to unstarred question No. 1 asked by Pandit NANAK CHAND SAHIB, on March 27, 1926.

Press Communiqué.

The following Press *communiqué* is published for general information:—

Chapter X of the United Provinces Educational Code regarding the Provincial Text-book Committee was revised by the Committee appointed by Government to revise the United Provinces Educational Code.

The revised constitution of the Provincial Text-book Committee and its personnel, as sanctioned by Government, are as follows:—

A—Revised constitution:—

1. The Provincial Text-book Committee shall consist of a President and not more than 22 members, of whom not more than three, in addition to the President, will be members by virtue of their office.

The remainder will be appointed in the manner hereinafter described.

2. The *ex-offices* members shall be as follows:—

(a) The Director of Public Instruction, United Provinces (President),

(b) The Registrar, Departmental Examinations, United Provinces (Secretary).

(c) The Deputy Director of Public Instruction, United Provinces.

(d) The Chief Inspectress of Girls' schools, United Provinces.

3. Other members shall be as follows:—

(a) Four members to be nominated from amongst its own members by the Intermediate Board, of whom two shall be headmasters of high schools for males and two principals of Intermediate Colleges for males.

(b) Six members to be nominated by the Director, of whom three shall represent inspection, two shall represent teaching, and one female education.

(c) Three representatives of local bodies to be nominated by the Local Government, and

(d) Six members to be nominated by the Local Government, of whom two should represent special interests, two should represent the United Provinces Legislative Council, and two should be non-official educationists.

B.—Personnel :—
Ex-officio

Elected by the Intermediate Board

Nominated by the Director of
Public Instruction.

Representatives of local bodies ..

Representatives of special interests

Representatives of the Legislative
Council.

Non-official educationists ..

1. Mr. A. H. Mackenzie, M.A., B.Sc., Director of Public Instruction, United Provinces, President.
2. Mr. Raghunath Das, B.A., C.T., Registrar, Departmental Examinations, United Provinces, Secretary.
3. Deputy Director of Public Instruction, United Provinces.
4. Miss. H. G. Stuart, M.A., Chief Inspectress of Girls' Schools, United Provinces.
5. Pandit Ram Narayan Misra Sahib, B.A., Headmaster, Central Hindu High School, Benares City.
6. Babu Ganga Prasad Sahib, M.A., C.T., Headmaster, Dayanand Anglo-Vedic High School, Allahabad.
7. Lala Diwan Chand Sahib, M.A., Principal, D. A.-V. College, Cawnpore.
8. Mr. B. Sanjiva Rao, M.A., Principal, Queen's College, Benares.
9. Mr. N. A. Rust, M.A., Inspector of Schools, Lucknow division.
10. Mr. Abul Hasan, B.A., Inspector of Schools Gorakhpur division.
11. Mr. Kalka Prasad, B.A., Assistant Inspector of Schools, Agra division.
12. The Principal, Government Intermediate College, Allahabad.
13. M. Mir Mehdi Husain Sahib, M.A., L.T., Headmaster, Shuaib Muhammadia High School, Agra.
14. Mrs. Jwala Prasad, Shahjahanpur.
15. Pandit Bhagwat Narayan Bhargava Sahib, B.A., M.L.C., Chairman, District Board, Jhansi.
16. Mr. Masud-ul-Husan, Bar.-at-Law, Chairman, Municipal Board, Moradabad.
17. Rai Bahadur Thakur Mashal Singh Sahib, M.L.C., Hardoi.
18. Rev. Dr. J. R. Chitambar, M.A., D.D., Principal, Reid Christian College, Lucknow.
19. Hafiz Hidayat Husain Sahib, B.A., M.L.C., Bar.-at-Law, Cawnpore.
20. Mr. Mukandi Lal, B.A., M.L.C., Bar.-at-Law, Dehra Dun.
21. Rai Bahadur Thakur Hanuman Singh Sahib, M.L.C., Ballia.
22. Lala Sita Ram Sahib, B.A., retired Deputy Collector, Allahabad.
23. Khan Bahadur M. Fasih-ud-din Sahib, M.L.C., Budaun.

A. H. MACKENZIE, M.A., B.Sc.,

Director of Public Instruction, United Provinces.

ALLAHABAD:
December 4, 1924.

APPENDIX D.

(See page 220, *supra*.)

(Referred to in the answer to unstarred question No. 10.)

District boards.		Names of members nominated by Government.
MEERUT.	Dohra Dun ..	Major Kanwar Shamsher Bahadur Singh, (2) Chaudhri Mansa Ram Gadaria.
	Saharapur ..	(1) Revd. J. B. Frank, (2) Subedar Faiazul Hasan.
	Bulandshahr ..	Pandit Nanak Chand, M.L.C., (2) Gokul Chand, Sweeper.
AGRA.	Aligarh ..	Hon'ble Nawab Sir Muzammil-ullah Khan, (2) Karan Singh, Lodh.
	Muttra ..	Rai Bahadur Babu Ram Nath Bhargava, M.L.C., (2) Chaudhri Dal Chand, Chamar.
	Agra ..	Rai Sahib Amba Prasad, M.L.C., (2) Babu Khem Chand, M.L.C.
	Mainpuri ..	Rai Bahadur Pandit Kharagjit Misra M.L.C., Babu Rup Narayan, B.A., LL.B.
ROHILKHAND.	Barcilly ..	Munshi Ahmad Yar Khan, (2) Ramai, Chamar.
	Bijnor ..	Khan Bahadur Chaudhri Amir Hasan Khan, (2) Mangal, Chamar.
	Budaun ..	Ganesb Chamar, (2) Munshi Ram Lal Jat.
	Moradabad ..	Babu Jiwa Ram, (2) Honorary Lieut. Sardar Mohammad Ayub Khan Bahadur.
	Pilibhit ..	Chaudhri Mangal Sen Mochi, (2) Rev. B. R. L. Chopra.
ALLAHABAD.	Farrukhabad ..	Khan Bahadur Mohammad Sultan, (2) Babu Keshri Lal, Chamar.
	Etawah ..	Rai Sahib Thakur Uma Singh, (2) Babu Badri Prasad.
	Cawnpore ..	Haji Abdul Qayum, (2) Babu Ghasitay Lal, Chamar.
	Fatehpur ..	Mr. Tufail Ahmad Wakil, (2) Mulla Ram, Chamar.
	Allahabad ..	Sarda Prasad Teli, (2) Pandit Venkatesh Narain Tiwari (resigned).
JHANSI.	Jalaun ..	Thakur Raghunandan Singh, (2) Chintamani, Kumhar.
	Hamirpur ..	Revd. F. C. Davies, (2) Bhikha, Chamar.
	Banda ..	Ganga Prasad Bharbhujia, (2) Munshi Fida Ali Khan.
BENARES.	Benares ..	Mir Ali Sagir, (2) Rev. J. C. Jackson.
	Mirzapur ..	Haji Sheikh Abdul Karim.
	Jaunpur ..	Debi Prasad, Kalwar, (2) Pandit Adya Shanker.
	Ghazipur ..	Khan Bahadur Munshi Gada Husain, (2) Babu Sheo Nath Ram Koeri.
	Ballia ..	Babu Mahadeo Prasad, (2) Rev. J. Sampson.
GO. BANG. PUR.	Gorakhpur ..	Rai Bahadur Babu Narsingh Prasad, (2) Chaudhri Baldeo Prasad, Kalwar.
LUCKNOW.	Lucknow ..	Khan Bahadur Mir Syed Husain, (2) Mr. Andrews Dube.
	Unao ..	Raja Shanker Sahai, (2) Hari Shanker Lodh.
	Rao Bareilly ..	Raja Barkhandi Mahesh Pratap Narayan Singh, (2) Raja Chandra Chur Singh.
	Sitapur ..	Mr. S. David, (2) Makhan Bhagat.
	Hardoi ..	Rai Bahadur Thakur Mashal Singh, (2) Pitam, Chamar.
	Kheri ..	Khan Bahadur M. Muhammad Abdur Rahman Khan, (2) Sukhai, Chamar.

District boards.			Name of members nominated by Government.
FYZABAD.	Fyzabad	..	Khan Bahadur Mehdi Hasan Sahib, (2) Rev. Thomas Singh.
	Gonda	..	Sarju Prasad Bhatnagar, (2) Raghbir Saran Gaurakh.
	Bahraich	..	Sirdar Autar Singh, (2) Prag, Pasi.
	Sultanpur	..	Subedar Abhujdat Singh, (2) Ram Prasad Ahir, Vakil.
	Partabgarh	..	Ganga Din Mistri, (2) Pandit Radhey Behari, Vakil.
	Bara Banki	..	Thakur Raghunath Singh, (2) Chaudhri Anwar Husain.

Name of Municipal Board.			Names of members nominated by Government.
Mussorie	..	.. {	(1) Mr. H. P. Stephens. (2) Major F. W. Hart.
Roorkee	..	.. {	(1) Major W. C. M. Carters, r. m. d. (2) Thakur Sham Lal Singh, Vakil.
Kairana	..	.. {	(1) Syed Kazim Husain, Retired Tahsildar. (2) Babu Balmukand Gupta, B.A., LL.B.
Baraut	..	..	Rai Sahib Prabhu Lal, Tahsildar (since died).
Koil (Aligarh)	..	..	Khan Bahadur Abdus Sami Khan.
Muttra	..	.. {	(1) Rai Sahib Munshi Sunehri Lal. (2) Asa Kumhar.
Jalesar	..	.. {	(1) Tahsildar of Jalesar. (2) Hakim Hamid-ullah Khan.
Bareilly	..	.. {	(1) Ramai Lal, Chamar. (2) Reverend J. Davidson.
Moradabad	..	.. {	(1) Khan Bahadur Saiyod Masud-ul-Hasan. (2) Sahu Nand Lal Saran.
Tilher	..	.. {	(1) Hafiz Yusuf Ali Khan. (2) Reverend P. S. Maurice.
Cawnpore	..	.. {	(1) Jagnu Ahir. (2) Tara Chand.
Fatehpur	..	..	Mr. Ahmad Kamal, Bar-at-Law.
Allahabad	..	.. {	(1) Mrs. Uma Nehru (since resigned). (2) Chetram, Pasi.
Ghazipur	..	.. {	(1) Reverend A. Sanderson. (2) Rai Sahib Babu Parmeshar Lal.
Azamgarh	..	.. {	(1) Raja Muhammad Shah, Honorary Magistrate. (2) Dr. David Paul.
Kashipur	..	..	Chaubo Amar Nath Sahib.
Unao	..	.. {	(1) K. B. Qazi Nazir Ahmad. (2) Thakur Laiq Singh (Deputy Collector).
Khairabad	..	.. {	(1) Babu Munnu Lal. (2) Debidin, Teli.
Hardoi	..	.. {	(1) Kunwar Jang Bahadur. (2) Rai Sahib Pandit Trijug Nath Kaul.
Sandilla	..	.. {	(1) Khan Sahib Syed Amjad Ali. (2) Khan Sahib Munshi Qabul Ahmed,
Lakhimpur	..	.. {	(1) Kodi, Chamar. (2) Pandit Suraj Narain Dikshit.

Name of Municipal Board.			Names of members nominated by Government.
Balrampur	..	.. {	(1) Kunwar Jasbir Singh. (2) Syed Haider Karar Jafri.
Gonda	..	.. {	(1) Babu Satish Chandra Banerji. (2) Khan Bahadur Munshi Barkat-ul-lah.
Bahraich	..	.. {	(1) Mrs. Ram Sarup. (2) Khan Bahadur Syed Aulad Husain (Taluqdar).
Sultanpur	..	.. {	(1) Rai Sahib Pandit Avadh Bihari Saran. (2) Hira, Sweeper.
Partabgarh	..	.. {	(1) Rai Sahib Pandit Nanak Chand Kapur. (2) Kalidh, Contractor.
Nawabganj (Bara Banki)	..	.. {	(1) Masih-ud-din, Esq., Bar-at-Law. (2) Pandit R. L. Dikshit (Vakil.)

APPENDIX E

(See page 222, *supra*).

Statement showing the number of resolutions adopted by the United Provinces Legislative Council during the last two years of its sessions which have been given effect to.

Serial No.	Date	Subject.	Remarks.
1	28-1-1924 ..	Codification of the principles of land revenue assessment and settlement.	The Land Revenue (Settlement) Bill has been introduced in the Council.
2	29-1-1924 ..	That only such Indian Civil Service officers should ordinarily be placed in the position of hearing civil appeals as have had previous experience of civil work or have had some previous training in it.	A scheme of legal training is in force, but has had to be temporarily suspended owing to the depletion of the cadre.
3	23-1-1924 ..	Establishment of a university at Agra.	Application has been made to the Government of India for sanction to the introduction of the Agra University Bill in the United Provinces Legislative Council.
4	30-1-1924 ..	Proceedings under section 110 of the Code of Criminal Procedure.	The recommendation of the Council has been given effect to.
5	30-1-1924 ..	Release of prisoners convicted in connexion with Kumaon forest fires.	All prisoners except four released.
6	27-2-1924 ..	Extension of the Musalman Waqf Act to the United Provinces.	The Act has been extended to the United Provinces.

Serial No.	Date.	Subject.	Remarks.
7	28-2-1924 ..	Reduction of irrigation rates	To give effect to the resolution a Bill to amend the Canal Drainage Act, 1873, is under contemplation.
8	28-2-1924 ..	Discontinuance of settlement operations.	Discontinued.
9	28-2-1924 ..	Treatment of applications for bail and security.	Instructions issued to district magistrates as recommended in the resolution.
10	3-3-1924 ..	Release of Musammat Parbati Debi.	She was released.
11	4-3-1924 ..	Compulsory primary education.	The United Provinces District Boards Primary Education Bill has been passed by the Legislative Council.
12	8-9-1924 ..	The Lee Commission ..	A copy of the debate in the Council was sent to the Government of India.
13	9-9-1924 ..	Proposal to set aside Rs. 20,00,000 annually from Famine Insurance Fund for development of cottage industries.	Not possible under Devolution Rules, but Government have opened a number of schools for encouragement of cottage industries.
14	10-9-1924 ..	Separation of judicial and executive functions.	Copy of the debate has been sent to the Government of India.
15	11-9-1924 ..	Teaching of spinning in schools.	(a) "Spinning and weaving" has been introduced as an optional subject in the curricula for Anglo-vernacular girls' schools. (b) Spinning has been included in the curriculum of vernacular girls' schools as an optional subject.
16	11-9-1924 ..	Sale of minor girls ..	Bill drafted and under examination.
17	15-12-1924 ..	Release of prisoners convicted in the Gonda Moharram riot case.	Prisoners released.
18	15-12-1924 ..	No revision of settlement to be undertaken on termination of record operations that were going on in many districts until the principles of land revenue settlement were finally determined and codified by the Council.	Settlements have been suspended.
19	..	Extension of the Diwali and Holi holidays.	Holidays extended as recommended.
20	16-12-1924 ..	Extension of the civil jurisdiction of the High Court to Kumaun.	Provision has been made in the budget, and if it is finally passed, the scheme will come into force from April 1, 1926.

Serial No.	Date.	Subject.	Remarks.
21	17-12-1924 ..	Remedial measures for damages caused by floods.	Large advances of <i>tagavi</i> free of interest given. The various measures of relief taken by Government to alleviate the sufferings of the people in the flood affected tracts are enumerated in paragraph 3 of General Administration department resolution No. 312/111—500 of March 10, 1925.
22	17-12-1924 ..	Detention of suspected cases of insanity among Indians in hospitals instead of jails.	Rules made under the Indian Lunacy Act have been amended to give effect to the resolution subject to certain conditions.
23	18-12-1924 ..	Appointment of a committee to consider necessary measures for removing Kumaun from the operation of the Scheduled Districts Act	It has been decided to appoint a committee which will sit at Naini Tal.
24	19-12-1924 ..	Remission of provincial contribution.	A copy of the resolution and the debate thereon has been forwarded to the Government of India.
25	19-12-1924 ..	Increased representation of Agra landholders in the Legislative Council.	A copy of the resolution and the debate thereon has been forwarded to the Government of India.
26	26-1-1925 ..	Introduction of technical education in vernacular and anglo-vernacular schools.	The resolution has been referred to the curriculum committee and steps are being taken to introduce manual training in certain district board middle vernacular schools from July, 1925. Agriculture has been introduced in certain middle vernacular schools from October, 1925.
27	27-1-1925 ..	Revision of the constitution of the municipalities, town areas or notified areas having a minority or bare majority of elected members or presided over by official chairman so that there may be substantial majority of elected members with an elected non-official chairman in every case.	Four out of the eight municipal boards which had official chairmen have been allowed to elect non-official chairmen. Of the remaining four, three are to continue to have official chairmen at their own request and the case of one has still to be decided. Commissioners were consulted about the constitution of those of the notified area committees which came within the scope of the resolution and their reports are under consideration. The Commissioners have also been asked to suggest the future constitution of town area committees with a view to allowing a majority of elected members on them.

Serial No.	Date.	Subject.	Remarks.
28	28-2-1925 ..	Instruction and training in nationalism and social service in all government and aided educational institutions.	(a) and (e). A notice has been published in part IV of the <i>United Provinces Gazette</i> , (dated September 26, 1925) asking the publishers of text-books to include, with the approval of the Text-book committee, in new editions of their books patriotic poems and lessons on patriotism, religious toleration and national unity provided that they are not such as to arouse class, communal or racial feeling; and to prepare and submit to the Text-book Committee for approval a collection of Urdu and Hindi patriotic poems suitable for recitation in schools. They must be of such a character as not to arouse class, communal or racial feeling. (b) No action taken as the mode of life amongst Indian students is already simple. (c) Manual training is prescribed as an optional subject in classes V—X of English schools.
29	2-3-1925 ..	Arrangements for reporting speeches made in Hindi and Urdu by the members of the Council and to publish vernacular editions of the reports of the Council proceedings.	A vernacular shorthand reporter has recorded speeches since December, 1925.
30	2-3-1925 ..	Appointment of a committee to consider and report to Government whether any amendments are required in the Court of Wards Act.	Committee appointed; its report is under the consideration of Government.
31	3-3-1925 ..	Legal recognition of privileges of United Provinces Legislative Council.	A copy of the resolution and the debate thereon has been forwarded to the Government of India.
32	3-3-1925 ..	Physical training in schools..	A committee has been appointed to examine the whole question. Its report is awaited.
33	4-3-1925 ..	Formation of standing committees or advisory boards for such departments of Government as have no such committees or boards.	Since the adoption of the resolution a provincial Excoise Board has been formed. Board of Industries, Board of Communications, Development Board and Board of Industrial Loan Commissioners were already in existence. There are other boards, e.g., Board of Agriculture, Forest Advisory Board, Revision Board in the Jail Department, United Provinces State Board of Medical Examinations and Medical Council, Board of Public Health, Irrigation Board and a general committee for the departments under Hon'ble Minister for Education.

Serial No.	Date.	Subject.	Remarks.
34	4-3-1925 ..	Visiting institutions under Local Self-Government department by M. L. C's.	No action is necessary in the Local Self-Government department as there are no government institutions under the control of this department.
35	4-3-1925 ..	Formation of standing committees or advisory boards and grant of permission to the members to bring questions relating to departments before the committees or the boards for consideration.	Orders have been issued permitting members of the Board of Public Health and the Standing Advisory Committee for Local Self-Government and Public Health departments to bring forward matters for consideration subject to certain conditions.
36	4-3-1925 ..	Adoption of Urdu and Hindi as media of examination and instruction for all subjects except English for High school examination.	As far as media of examination are concerned. As regards the media of instruction a recommendation by the Board of High School and Intermediate Examination has been submitted to Government.
37	31-3-1925 ..	M. L. C's. to be allowed to visit all institutions in their respective constituencies under the direct control of the transferred department.	Allowed to visit bonded warehouses, Heads of Government English schools and intermediate colleges and Government normal schools have been instructed to show round M. L. C's. these institutions. M. L. C's. have been appointed non-official visitors of State hospitals and dispensaries subject to certain conditions.
38	31-3-1925 ..	Excise policy of Government	Government have determined to maintain their restrictive policy.
39	7-4-1925 ..	Report of the Muddiman Committee.	Copies of debate were sent to the Government of India.
40	29-8-1925 ..	Regarding the appointment of a committee to suggest ways and means to alleviate unemployment among educated classes.	Government have referred the question to the Development Board.
41	22-8-1925 ..	The revision of the Jail Manual and the removal of racial distinctions.	The Jail Manual is being revised, so as to eliminate any suggestion of racial distinctions.
42	22-8-1925 ..	Acceleration of the building of the new Council Chamber.	The building of the Chamber is being accelerated.
43	18-12-1925 ..	Issue of instructions to record officers that in districts where record operations are going on they should not disturb the existing <i>si</i> rights wherever they are corroborated by the last (current) settlement entries.	Orders have been issued on the lines recommended.
44	18-12-1925 ..	Adult education	The question of adult education is under consideration.

Serial No.	Date.	Subject.	Remarks.
45	28-12-1925 ..	Establishment of a bureau of translation.	The matter is under consideration.
46	28-12-1925 ..	Nomination of at least one member from among the depressed classes to each municipality and as many notified areas as possible.	Where suitable representatives of depressed classes are found and local circumstances permit, Government are nominating a member of the depressed classes on the municipal board. The case of notified areas is under consideration.

APPENDIX F.

(See page 222, *supra*).

Statement referred to in the answer to unstarred question No. 21 asked by Khan Bahadur Maulvi Fasih-ud-din Sahib on March 27, 1926.

Statement showing the number of Islamia Schools and Makhtabs in the Pilibhit district and the total amounts allotted for and spent on them during each of the last five years.

Years.	Number of Islamia schools.	Number of Aided makhtabs.	Total amounts allotted for—		Total amount spent on—	
			Islamia schools.	Aided makhtabs.	Islamia schools.	Aided makhtabs.
			Rs.	Rs.	Rs. a. p.	Rs. a. p.
1920-21 ..	3	18	371	1,290	354 0 0	855 0 0
1921-22 ..	3	14	1,218	1,296	628 0 0	1,756 0 0
1922-23 ..	3	15	1,622	1,592	600 0 0	1,826 0 0
1923-24 ..	8	15	1,889	1,740	824 0 0	1,856 0 0
1924-25 ..	4	17	1,889	2,556	1,143 4 0	2,016 5 0

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDEH.

Monday, March 29, 1926.

THE Council met in the Council Chamber, Lucknow, at 11 a.m.,
Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT :

(78)

Hon'ble Sir Samuel O'Donnell.
Hon'ble Lieut. Nawab Muhammad Ahmad
Sa'id Khan.
Hon'ble Rai Rajeshwar Bali.
Hon'ble Thakur Rajendra Singh.
Hon'ble Nawab Muhammad Yusuf.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. R. D'O. Darley.
Mr. H. A. Lane.
Mr. R. L. Yorke.
Mr. R. Burn.
Mr. A. W. Pim.
Mr. B. J. K. Hallows.
Mr. C. M. King.
Mr. H. G. Billson.
Mr. R. J. S. Dodd.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Raja Muhammad E'jaz Rasul Khan.
Raja Bahadur Brij Narayan Rai.
Mr. H. David.
Babu Sangam Lal.
Babu Jai Narayan Chaudhri.
Babu Bhagwati Sahai Bedar.
Thakur Manjit Singh Rathor.
2nd-Lieut. Chaudhri Balwant Singh.
Rai Jagdish Prasad Sahib.
Chaudhri Jaswant Singh.
Rai Sahib Chaudhri Sheoraj Singh.
Pandit Nanak Chand.
Lala Babu Lal.
Thakur Rajkumar Singh.
Rai Bahadur Babu Ram Nath Bhargava.
Rai Bahadur Pandit Kharagjit Misra.
Lala Dhakan Lal.
Babu Nemi Saran.
Chaudhri Badan Singh.

Rao Sahib Kunwar Sardar Singh.
Thakur Sadho Singh.
Pandit Brijnandan Prasad Misra.
Pandit Jhanni Lal Pande.
Lieut. Raja Durga Narayan Singh.
Raja Narayan Pratap Singh.
Babu Parsidh Narayan Anad.
Raja Sri Krishna Dutt Dube.
Rai Sahib Babu Dip Narayan Roy.
Rai Bahadur Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.
Mr. Mukandi Lal.
Rai Bahadur Thakur Mashal Singh.
Mr. Muhammad Aslam Saifi.
Maulvi Zahur-ud-din.
Rao Sahib Abdul Hameed Khan.
Lieut. Nawab Jamshed Ali Khan.
Khan Bahadur Chaudhri Amir Hasan Khan.
Mr. Muhammad Ismail Ali Khan.
Maulvi Muhammad Obaid-ur-Rahman Khan.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Shaikh Masud-uz-Zaman.
Khan Bahadur Mr. Muhammad Ismail.
Maulvi Abdul Hakim.
Dr. Shafa'at Ahmad Khan.
Saiyid Muhammad Ashiq Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Bahadur Hakim Mahbub Ali Khan.
Khan Bahadur Mr. Ashiq Husain Mirsa.
Khan Bahadur Munshi Siddiq Ahmad.
Raja Saiyid Ahmad Ali Khan Alvi.
Khan Bahadur Chaudhri Muhammad
Rashid-ud-din Ashraf.
Lala Bihari Lal.
Rai Bahadur Lala Mathura Prasad Meh-
rotra.
Raja Shambhu Dayal.
Lieut. Raja Shaikh Imtiaz Rasul Khan.
Rai Bahadur Babu Vikramajit Singh.
Dr. Ganesh Prasad.

MEMBER SWORN :

Mr. . L. Yorke.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

MUHAMMADAN OFFICERS IN BAGHPAT, DISTRICT MEERUT.

* 1. **Pandit Nanak Chand :** (a) Is it a fact that in Baghpat, district Meerut, the sub-divisional officer, the tahsildar, the sub-registrar, the naib-tahsildar, the station officer of police station, and the medical officer are all Muhammadans?

(b) What is the population of Hindus and Muslims in Baghpat tahsil?

Hon'ble Sir Samuel O'Donnell : (a) Yes.

(b) The honourable member is referred to the census report of 1921.

EX-SADR QANUNGOS.

* 2. **Pandit Nanak Chand :** (a) With reference to starred question No. 18 by Thakur Sadho Singh, answered on December 17, 1925, will the Government kindly state the names of the four ex-sadr qanungos nominated for the post of tahsildar but finally rejected by the selection committee, together with the grounds of rejection of each?

(b) Are any of the abovenamed ex-sadr qanungos approved candidates for the post of naib-tahsildar?

(c) Can they or any of them become eligible for tahsildarship on putting in approved services as naib-tahsildar for a sufficient period?

Hon'ble Sir Samuel O'Donnell : The honourable member is referred to the answers given to unstarred questions Nos. 16 to 18 on March 11, 1926.

Unstarred questions Nos. 16 to 18 and their replies given on March 11, 1926, referred to in the answers to starred questions No. 2 for March 29, 1926.

QUESTIONS.

16. With reference to starred question No. 18 by Thakur Sadho Singh Sahib answered on December 17, 1925, will the Government be pleased to give the names of the four ex-sadr qanungos nominated for the post of tahsildars but rejected by the selection committee, together with the grounds of rejection of each?

17. Are any of those approved candidates for the post of naib-tahsildars?

18. Can they or any of them become eligible for tahsildarship on putting in approved services as naib-tahsildars for a sufficient period?

ANSWERS.

16. Pandit Har Prasad, Munshi Mazhar-ud-din Ahmad, and Babu Shankar Bahadur were rejected by the selection committee. Munshi Karim-ud-din was nominated, but as he was not eligible under the rules on account of age he did not go before the selection committee. The first three named were rejected because they were not considered to be suitable candidates or to possess claims superior to those of naib-tahsildars.

17. Two—Pandit Har Prasad and Munshi Karim-ud-din.

18. The candidates were finally rejected because they would be unable to put in sufficient service as naib-tahsildars to give them any chance of selection for tahsildarship before they became too old. The selection committee thought it kinder to tell them so at once.

* 3. **Pandit Nanak Chand :** (a) Will the Government be pleased to state whether the posts of sadr qanungos are finally abolished or experimentally for some period?

(b) Who does the testing and the supervision of the records that was done by the sadr qanungos?

(c) Have the officers and the Deputy Director of Land Records realized any deterioration in the efficiency and the quality of the land records since the abolition of the post of *sadr qanungo*?

(d) What was the saving in the land records budget by the abolition of *sadr qanungos*' posts?

Hon'ble Sir Samuel O'Donnell : (a) The post is finally abolished.

(b) The sub-divisional officers, *tahsildars*, and *naib-tahsildars*.

(c) No appreciable difference can be observed.

(d) Rupees 37,380 per annum.

* 4. **Pandit Nanak Chand :** With reference to starred question No. 81 of December 14, 1925, will the Government be pleased to state the effect of the Oudh Rent Act on commissioners' appeals, and what action they propose to take in the matter of reduction of a commissionership in Oudh?

Hon'ble Sir Samuel O'Donnell : In the three years 1916 to 1919 the number of appeals coming before the Commissioners in Oudh varied from about 1,200 to 1,700 the average being 1,500. In the next three years conditions were disturbed and the figures must be discarded. In the three years 1922 to 1925 appeals varied from about 1,100 to 1,200. It is, however, too soon to state whether the effect of the legislation has been to reduce appeals permanently. In some classes of cases the cause of action did not arise immediately on the passing of the amending Act. The question whether any commissionership can be reduced will be considered as a whole and not separately for Agra and Oudh.

REVENUE AND CRIMINAL CASES IN BULANDSHAHR.

* 5. **Pandit Nanak Chand :** (i) What is the number of revenue cases pending on March 1, 1926, for disposal in the courts of sub-divisional officers for Khurja, Sikandrabad, Anupshahr, and Bulandshahr *tahsils* in Bulandshahr district?

(ii) What was the number of pending revenue cases in each of the above sub-divisions on September 30, 1925?

(iii) What is the number of revenue cases filed since October 1, 1925?

(iv) What is the number of revenue cases—

(1) transferred to (a) honorary assistant collectors, and (b) additional deputy collectors in each sub-division, and

(2) finally disposed of by the sub-divisional officers?

* 6. Will the Government be pleased to give the number of revenue cases pending for delivery of judgement only on January 31, 1926, in each sub-division in Bulandshahr district in which the parties had closed their respective cases?

Will the Government be pleased to give the number of pending revenue cases for each sub-division of Bulandshahr district under the following heads:—

(1) Number of cases of more than two years' duration.

(2) Number of cases of more than 18 months' duration.

(3) Number of cases of more than one year's duration.

(4) Number of cases of more than six months' duration.

* 7. (a) Will the Government be pleased to state the dates and numbers of commissioners' appeals transferred for disposal by the commissioner of Meerut to the collector of Bulandshahr from the beginning of 1924, stating the number of appeals disposed of by Mr. Dobbs up to the time of his leaving the district in April, 1925, and the number left pending ?

(b) Will the Government be pleased to state the number of the Commissioners' appeals disposed of by Mr. Acton in each quarter ending in June, September and December, 1925 ?

(c) Will the Government be pleased to state the number of the said Commissioners' appeals disposed of by Mr. Acton since the beginning of the present year, together with the number of such appeals disposed of at the headquarters of the district and the number of the said commissioners' appeals disposed of in camp with the dates and distances of camps (with their names) from the headquarters of the district ?

(d) Will the Government be pleased to state the number of the commissioners' appeals disposed of by Mr. Acton and the number of such appeals which were rejected ?

* 8. Will the Government be pleased to state—

(1) the number of collectors' revenue appeals pending for disposal at the time of Mr. Acton's taking over charge of Bulandshahr in April, 1925 ;

(2) the number of collectors' revenue appeals filed since Mr. Acton's taking over charge of the district ;

(3) the number of such appeals disposed of by Mr. Acton in each quarter ending June, September and December, 1925, and since the beginning of the present year, together with the number of at headquarters and in camp respectively ?

(4) Will the Government be pleased to give the total number of the collectors' revenue appeals disposed of by Mr. Acton and the number of such appeals which were rejected ?

* 9. (1) Will the Government be pleased to state the number of criminal appeals pending for disposal at the time of, and the number of criminal appeals filed since the taking over charge of Bulandshahr district by Mr. Acton ?

(2) Will the Government be pleased to state the number of criminal appeals personally disposed of by Mr. Acton since April, 1925, and the number of appeals transferred for disposal to assistant magistrates ?

(3) (a) Will the Government be pleased to state—

(1) the number of days on which the present district magistrate and collector attended his court at Bulandshahr ;

(2) the number of days when he received petitions at his residence ;
and

(3) the number of days when he held his court in camp to hear cases ?

(b) Does the Government approve of collectors hearing revenue cases in camp ?

Hon'ble Sir Samuel O'Donnell : The information is not available, and its collection would involve an amount of time and trouble out of all proportion to the result. Government do not therefore propose to call for it.

Pandit Nanak Chand : Do the Government propose to take any steps to reduce the arrears of revenue case work of Bulandshahr ?

Hon'ble Sir Samuel O'Donnell : I am not aware that there are any arrears. If there are serious arrears, that is a matter which would certainly be taken into consideration by the Board of Revenue.

LOCATION OF COURTS AND INCOME-TAX OFFICE OF BULANDSHAHR
AT ALIGARH.

* 10. **Pandit Nanak Chand :** (1) Is it a fact that Mr. Acton camped and held his court in Aligarh district during the present year ?

(2) If so, on what dates and at what places ?

(3) Had he obtained Government's permission to do so ?

Hon'ble Sir Samuel O'Donnell : (1) Yes.

(2) At Dabthala, on February 11 and 12, and at Daopur on February 13 to 15. The first place is one mile, and the second place is half a mile from the Bulandshahr district border.

(3) No. The route taken was the most convenient between two points in the Bulandshahr district, and the Government see no reason to question the district magistrate's discretion in the matter.

* 11. **Pandit Nanak Chand :** (a) What is the average annual income-tax collected from Bulandshahr district ?

(b) Is it a fact that the income-tax officer for Bulandshahr district has his office at Aligarh, and has a separate establishment of a reader, an ahlmad, and a bahi-tester, and a common head clerk for the income-tax officers for Aligarh and Bulandshahr districts ?

(c) Is the Government aware that the income-tax paying public of Bulandshahr district is put to great inconvenience and unnecessary expense on account of the location of the office at Aligarh ?

(d) What is the amount of annual travelling allowance which is allowed to the income-tax officer and his staff to visit Bulandshahr from Aligarh ?

(e) What is the likely additional expense of transferring the office to Bulandshahr ?

(f) Is it a fact that the income-tax officer with his office at Aligarh is handicapped in making close personal inquiries about possible new assesseees in Bulandshahr district ?

(g) Will the Government be pleased to re-locate the income-tax office at Bulandshahr ?

Hon'ble Sir Samuel O'Donnell : The Income-tax department is a Central department, with which this Government have nothing to do. This question should be put in the Legislative Assembly.

VERNACULAR FORMS IN CHIEF COURT OF OUDH.

* 12. **Pandit Nanak Chand :** Will the Government be pleased to inquire from the Honourable Chief Court of Oudh, if their attention has

been drawn to or they consider the desirability of simplifying the language of some of the vernacular forms to make them easily intelligible?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: In view of the fact that the Chief Court have already recorded their opinion that these forms do not contain any words the meaning of which would not be commonly understood, Government see no reason to make any further inquiry.

NOTIFIED AREA, DIBAI, BULANDSHAHR.

* 13. **Pandit Nanak Chand:** (a) What is the Hindu and Muhammadan population respectively of Dibai notified area, district Bulandshahr?

(b) Is it a fact that at the time of the last election, in October, 1925, two Hindu and two Muslim members were elected and the district magistrate nominated a third Muslim member?

(c) Will the Government be pleased to inquire from the district magistrate and state the grounds on which the district magistrate nominated a Muslim? Is the Government aware that in this way the Muslim minority population was given a representation of 60 per cent. far in excess of their numerical proportion in population?

(d) Is it a fact that some leading Hindus of Dibai had previously represented to the district magistrate to nominate a Hindu member?

(e) Is it a fact that the three Muslim members elected from amongst themselves one Qazi Hatim Ali as president of notified area committee and the two Hindu members nominated Babu Gur Saran Das, B.A., L.T., headmaster of Kubair High School, Dibai?

(f) Is it a fact that some of the leading Hindus again represented to the district magistrate to recommend the appointment of Babu Gur Saran Das or some other Hindu as president and pointed out the undesirability of accepting the nomination of Hatim Ali from a general point of view, giving instances of previous abuse by him of his public position?

* 14. (a) Is it a fact that some representative Hindus of Dibai waited upon the Commissioner, Meerut division, and submitted their representation and memorial in this connexion?

(b) Is it a fact that the commissioner accepted the recommendation of the district magistrate and appointed Hatim Ali as president?

(c) Will the Government be pleased to state if the collector and the commissioner made any inquiries into the allegations against Hatim Ali, or asked for further proof in their support?

(d) Will the Government be pleased to state if it is a fact that Hindus of Dibai pay about Rs. 40,000 as land revenue as against about Rs. 10,000 paid by Muslims and contribute about Rs. 6,000 as against about Rs. 1,000 by Muslims to the notified area funds and about Rs. 6,000 income-tax as against about Rs. 100 only by the Muslims?

(e) Will the Government be pleased to state what steps, if any, they propose to take to redress this grievance of the Hindu public of Dibai?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made; the information is not yet available.

* 15. **Pandit Nanak Chand :** (a) With reference to starred question No. 97, dated January 26, 1925, will the Government be pleased to state when and by whom was the rule referred to made and will the Government be pleased to lay a copy of the rule on the table?

(b) Will the cases of Indian officers appointed according to this rule be considered with the European officers enlisted in the same year as the Indian officers irrespective of their position in the Civil List when (a) making appointments to the office of deputy inspector-general and (b) giving promotions to the selection grade?

(c) With reference to starred question No. 98(2), dated January 26, 1925, did the Government receive any representations from deputy superintendents of police in connexion with the recommendations of the Lee Commission?

(d) Did these representations include a protest against the operation of the above rule?

(e) If the reply to part (d) be in the affirmative, what is the Government's intention in replying question No. 98(2), dated January 26, 1925, in the negative?

Hon'ble Sir Samuel O'Donnell : (a) The rule was made by the Government of India in 1922. The substance of the rule has already been given in the answer to starred question No. 97 of January 26, 1925.

(b) Officers will be considered for promotion to the selection grade or to the rank of deputy inspector-general in accordance with their seniority as shown in the Civil List.

(c) Yes.

(d) Yes.

(e) The honourable member is referred to the terms of starred question No. 98 of January 26, 1925. The only deputy superintendent of 1906 or 1908 placed below assistant superintendents of 1911 was at that time Khan Bahadur Saiyid Muhammad Taqi and he had submitted no representation.

(Question No. 97 and answer given thereto at the meeting of January 26, 1925, referred to in answer to starred question No. 15 for March 29, 1926.)

QUESTION.

Dr. Shafa'at Ahmad Khan : Is it a fact that deputy superintendents of police promoted to superintendents up to 1920 were placed along with the assistant superintendents of the same year of appointment?

ANSWER.

Hon'ble Sir Samuel O'Donnell : The rule is that all officers, whether deputy superintendents or assistant superintendents of police, on promotion to the rank of superintendent are brought on the list after all those who have already received substantive promotion to that rank. When promotion to that rank was first opened to deputy superintendents it was decided that assistant superintendents of the 1906 year, who had not yet been promoted, should on promotion be placed above deputy superintendents promoted before them. The reason for this was that the assistant superintendents of that year had been recruited before the rank of deputy superintendent was created on the understanding that superior posts in the service were open to them alone. As soon as all assistant superintendents of 1906 had been promoted, the usual rule was followed.

(Starred question No. 98 and answer given thereto at the meeting of January 26, 1925, referred to in answer to starred question No. 15 for March 29, 1926.)

QUESTION.

Dr. Shafa'at Ahmad Khan : (1) Will the Government be pleased to state why deputy superintendents of 1906 and 1908 have been placed below assistant superintendents of 1911 on appointment as superintendents of police?

(2) Has any representation been received on this point from deputy superintendents?

(3) Is the Government aware that this supersession by a number of assistant superintendents will prevent the Indian officers from reaching the selection grade of superintendents, and also the post of deputy inspector-general?

ANSWER.

Hon'ble Sir Samuel O'Donnell : (1) The honourable member is referred to the first part of the answer to question No. 97.

(2) No.

(3) No; there has been no supersession in the sense suggested by the honourable member.

IMPROVEMENT OF THE CONDITION OF TEACHERS.

* 16. **Pandit Nanak Chand** : Do Government intend to consider the question of instituting a teachers' register on the analogy of the English register to improve the condition of teachers in these provinces?

Hon'ble Rai Rajeshwar Bali : In view of paragraph 175 of the Educational Code, a teacher's register is unnecessary in these provinces.

* 17. **Pandit Nanak Chand** : [*Transferred to the agenda of April 8, 1926*].

REGISTRATION OFFICE, BULANDSHAHR.

* 18. **Pandit Nanak Chand** : (a) Is it a fact that Anupshahr, Khurja and Bulandshahr registration offices in Bulandshahr district are under the district registrar at Aligarh and tahsil Sikandrabad of Bulandshahr is under Meerut registration district and the registration records except for the last twelve years for the said tahsils are at Aligarh and Meerut respectively?

(b) Is it a fact that the registration record room at Aligarh is reported to be congested?

(c) Do Government intend, and, if so, when, to remove the old records for the said four tahsils from Aligarh and Meerut respectively to Bulandshahr registration office in the new judgeship and to create Bulandshahr registration district to meet the convenience of the public of Bulandshahr.

Hon'ble Nawab Muhammad Yusuf : An answer will be given at a later date.

DISTRICT HEALTH SCHEMES AND HEALTH OFFICERS.

* 19. **Pandit Nanak Chand** : (a) In how many districts are the district health schemes working?

(b) How many transfers of district and assistant health officers took place in each district in 1923 to 1925?

(c) In how many cases were these transfers made at the instance of the district boards?

(d) How many transfers were made without consulting the district boards and what were the general grounds for these transfers?

* 20. (a) Is it a fact that no assistant health officer has been appointed in Benares district health scheme?

(b) If so, what it is due to?

(c) When, if at all, is the appointment likely to be made?

* 21. (a) Is it the district boards, or the Government, or the Government in consultation with district boards who determine the headquarters of health officer, assistant health officer, sanitary inspectors in each district where the scheme is introduced?

(b) On what grounds generally are these headquarters required to be selected?

* 22. (a) What are the qualifications and length of service of the health officer of Benares municipality and when was he appointed to his present job?

(b) Are there any officers senior in service with British qualifications attached to second class municipalities?

(c) Is the Government aware of the feeling of disappointment among the latter officers?

* 23. (a) In how many cases and places and for what periods did assistant district health officers officiate as district health officers when the latter proceeded on leave or on malaria training?

(b) Did the officiating officers work satisfactorily?

(c) What was the rate of officiating allowance given to them?

* 24. (a) Did Moradabad and Budaun municipalities or their chairmen ask for the services of Muslim officers of public health?

(b) If so, was their request granted by removal of Hindu officers? If so, in how many cases?

* 25. (a) Have any officers not possessing any public health qualifications been appointed as district officers of public health in any districts? If so, in what districts?

(b) Have such officers worked as satisfactorily as the officers with public health qualifications?

(c) If the answer to part (b) be in the negative, will the Government try the experiment of appointing L. P. H. officers for as long as qualified D. P. H. officers become available?

* 26. (a) Is the assistant to special plague research officer qualified in public health or plague works?

If the answer to part (a) be in the negative, do Government approve of the present arrangement or propose to appoint an officer qualified in public health specially experienced in plague work until a D. P. H. officer is available?

* 27. (a) How many second class municipalities have third class health officers?

(b) Do Government intend to consult D. P. H. officers to go to such municipalities?

Hon'ble Rai Rajeshwar Bali: Inquiry is being made: the information is not yet available.

COPIES OF *Jamabandis*.

* 28. **Pandit Nanak Chand:** (a) Is it a fact that copies of *jama-bundis* are granted free of charge to court of wards and to the zamindars on payment of fees?

(b) If so, what is the ground for this difference?

(c) Do Government intend to extend the same privilege to zamindars who manage their own estates?

Hon'ble Sir Samuel O'Donnell : The Government are not aware that copies of *jamabandis* are granted free of charge to court of wards estates. The scale of fees for copies issued by patwaris prescribed in G. O. No. 3966/IB—323/1924, dated August 3, 1925, applies to all concerned.

Pandit Nanak Chand : Will the Government make inquiries about this matter, and if it is found that *jamabandis* are given free of charge to the court of wards, will the Government extend the same privilege to other zamindars?

Hon'ble Sir Samuel O'Donnell : If the honourable member will definitely assure me that they are given free of charge, I will make inquiries.

MUNSHI GANGA BAL, HONORARY MAGISTRATE, GARHMUKTESAR, MEERUT

* 29. **Pandit Nanak Chand :** Did the Government inquire at the time of appointment of Munshi Ganga Bal, honorary magistrate of Garhmuktesar, district Meerut, or does it propose to inquire now about the following matters and lay the information on the table :—

- (1) amount of revenue, if any, paid by him ;
- (2) amount of income-tax, if any, paid by him ;
- (3) educational qualifications, if any ;
- (4) amount of debt due from him and the amount of property owned by him.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Government ascertained before making the appointment that Chaudhri Ganga Bal Singh is well educated in the vernacular and in the opinion of the district magistrate was capable of writing a good judgment. Government are satisfied that his qualifications for the post he holds are in every respect excellent.

Pandit Nanak Chand : What are his proper qualifications and financial status?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : We have satisfied ourselves that he is a very respectable gentleman.

Pandit Nanak Chand : What is his profession?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I am not aware of that.

Rai Bahadur Thakur Mashal Singh : Does he possess any landed property?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I do not know.

Pandit Nanak Chand : Has he any income from zamindari.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I do not think anybody can live without any income.

MANUAL TRAINING CLASSES, GOVERNMENT SCHOOLS, BULANDSHAHR.

* 30. **Pandit Nanak Chand :** (a) Do Government intend to start manual training classes at Bulandshahr Government school? If so, when?

(b) If the answer to part (a) is in the negative, then why?

Hon'ble Rai Rajeshwar Bali : Government are considering the matter.

IRRIGATION FACILITIES.

* 31. **Pandit Nanak Chand :** Do Government propose to consider or initiate any scheme for extension of irrigation facilities for undeveloped areas in these provinces? If so, when are the proposals likely to take shape?

Hon'ble Sir Samuel O'Donnell : Government is always fully prepared to consider and investigate any concrete proposal for the extension of irrigation facilities that can be justified *prima facie* either as a productive work or as a form of famine insurance urgently necessary. No proposal could be considered that would involve the provision of inadequate supplies to existing consumers. The period that must elapse before such proposal could take shape depends on the funds available.

SHOALING ABOVE HAR-KI-PAIRI AT HARDWAR.

* 32. **Pandit Nanak Chand (a) :** Do Government intend to take any steps to minimize the effect of shoaling above Har-ki-Pairi at Hardwar which at present causes considerable scarcity of water for bathing of pilgrims at that place?

(b) If so, when and what steps are contemplated?

Hon'ble Sir Samuel O'Donnell : (a) and (b) The shoaling above Har-ki-Pairi during the rains is due to the inability of the Irrigation department to close the Upper Ganges canal regulator in deference to Hindu sentiment. Government would be in a position to improve the supply to Har-ki-Pairi if the regulator could be closed during the rains, when the Har-ki-Pairi gets plenty of water from supply channel No. 1.

Pandit Nanak Chand : Will the Government consider the advisability of appointing a committee representing this Council and Hindu interests to inquire into the possibility of removing this difficulty?

Hon'ble Sir Samuel O'Donnell : It might be difficult in view of the definite settlement arrived at in 1916. However, I have noted the honourable member's suggestion.

COMMUNICATIONS IN RURAL AREAS.

* 33. **Pandit Nanak Chand :** When and what steps, if any, do Government propose to take to develop and improve communications in rural areas?

Hon'ble Nawab Muhammad Yusuf : The Government are examining this important question but are not in a position to make any announcement at present.

Khan Bahadur Hafiz Hidayat Husain : Has the Government any definite proposal before it now?

Hon'ble Nawab Muhammad Yusuf: No.

CONSOLIDATION OF AGRICULTURAL HOLDINGS.

* 34. **Pandit Nanak Chand:** (a) What amount, if any, do Government propose to provide for the purposes of propaganda for consolidation of agricultural holdings?

(b) Do Government intend to consider the desirability of starting consolidation of agricultural holdings in selected villages under the court of wards to demonstrate its advantages in the district concerned?

Hon'ble Sir Samuel O'Donnell: (a) Government have provided Rs. 500 for encouraging the formation of co-operative societies for the consolidation of holdings.

(b) Orders on the subject were issued to the Board of Revenue in July, 1924, and the latter are already taking action on the lines suggested. The attempts have so far failed in (1) Balrampur estate and in (2). Ghazipur, (3) Moradabad, and (4) Bulandshahr districts. Holdings were consolidated in two villages of the Ajodhya estate (Fyzabad) in 1923-24, in one during 1924-25, and two more are now in hand. One village of the Dera estate (Sultanpur) was completed in 1923-24 and a portion of another village last year. Consolidation has taken place in one village of Rampura estate (Jalaun) and work is going on in two more. The experiment is a difficult one and work is therefore necessarily slow.

INDUSTRIAL TRAINING FOR LONG-TERM PRISONERS.

* 35. **Pandit Nanak Chand:** Do Government intend to increase accommodation in central jails to concentrate long-term prisoners, to utilize their labour and to give them industrial or technical training as suggested by the Jails Commission.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: Government have accepted the suggestion in principle. It cannot, however, be fully carried out until a new jail has been erected, which is at present financially impossible. Government are attempting to re-organize and improve jail industries in every way possible, but here too they are seriously hampered by lack of funds.

TIME-SCALE PAY FOR SUB-DEPUTY INSPECTORS AND MODEL SCHOOL TEACHERS.

* 36. **Pandit Nanak Chand:** When and what steps, if any, do Government propose to take to give effect to the resolutions of the Council recommending the introduction of time-scale of pay for sub-deputy inspectors of schools and model school teachers?

Hon'ble Rai Rajeshwar Bali: The honourable member is referred to the replies given to starred question No. 77 for December 22, 1925, and unstarred question No. 10 for December 18, 1925.

Copy of starred question No. 77 asked on December 22, 1925, and the reply given thereto.

QUESTION.

Are teachers of model schools attached to normal schools entitled to time-scale of pay as sanctioned for vernacular teachers of high and normal schools?

Do these teachers form part of the same subordinate educational service as the vernacular teachers of the government high and normal schools?

Were teachers of model schools placed on the same status as vernacular teachers of high and normal schools before the introduction of time-scale in the latter branch of the service?

Does the Government propose to introduce time-scale of pay for the teachers of model schools attached to normal schools? If so, from which date? If not, why not?

REPLY.

The honourable member is referred to the reply given to starred question No. 17 at the Council meeting held on March 16, 1925.

Copy of starred question No. 17 asked on March 16, 1925, and the reply given thereto.

QUESTION.

(a) Will the Government be pleased to state whether it has taken any action on the resolution which was passed unanimously on January 30, 1923, regarding the grant of time-scale of pay to model schools teachers?

(b) If the answer to the above be in the affirmative, will the Government please state when it is likely to be given effect to?

(c) If the answer to part (a) be in the negative, will the Government please give reasons?

(d) Will the Government be pleased to state if it now proposes to introduce time-scale of pay among the aforesaid teachers?

REPLY.

The honourable member is referred to the proceedings of the Legislative Council meeting held on March 3, 1925, when a resolution on the subject was moved by, Babu Parsidh Narayan Anand Sahib.

Copy of unstarred question No. 10 asked on December 18, 1925, and the reply given thereto.

QUESTION.

Is it a fact that sub-deputy inspectors of schools have not been given any increase?

REPLY.

The sub-deputy inspectors of schools have been brought on a time-scale of pay with effect from April 1, 1925.

TRAINING OF DRAWING TEACHERS.

* 37. **Pandit Nanak Chand** : When and what arrangements, if any, has the Government made or contemplates making for the training of drawing teachers in these provinces?

Hon'ble Rai Rajeshwar Bali : With effect from July, 1926, Government propose to start at the School of Arts and Crafts, Lucknow, a class for the training of drawing teachers.

MATERNITY WELFARE LEAGUE.

* 38. **Khan Bahadur Hafiz Hidayat Husain** : What active steps have the Government so far taken to promote the cause of the Maternity Welfare League for India established by Her Excellency Lady Reading?

Has the Government set apart any funds for it from the provincial revenues or has it encouraged municipal and district boards to render what help they can to the cause?

Hon'ble Rai Rajeshwar Bali : An answer will be given at a later date.

CHIEF REGISTRATION CLERKS.

* 69. **Pandit Bhagwat Narayan Bhargava** : Will the Government be pleased to give the number of the chief registration clerks under the district registrars in the United Provinces?

Hon'ble Nawab Muhammad Yusuf : Thirty.

* 40. **Pandit Bhagwat Narayan Bhargava** : Do all these clerks draw equal pay all over the province? If so, how much?

If the answer be in the negative, will the Government be pleased to state what pay or grade of pay is fixed for them in each judgeship ?

Hon'ble Nawab Muhammad Yusuf : They do not draw equal pay. A statement showing their pay is placed on the honourable member's table.

(See Appendix A, page 365.)

***41. Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to state in which of the districts record-room of registration is kept under the charge of the district registrar ?

Hon'ble Nawab Muhammad Yusuf : The central record-room is under the direct charge of district registrar in Farrukhabad, Mainpuri, Jhansi, Naini Tal, and Almorah.

***42. Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to state in which places the chief registration clerk is given an assistant clerk ?

Hon'ble Nawab Muhammad Yusuf : The information is given in the statement laid on the honourable member's table.

***43. Pandit Bhagwat Narayan Bhargava :** What monthly allowance do the chief registration clerk and sub-registrar's clerk respectively get when they officiate as sub-registrar ?

Hon'ble Nawab Muhammad Yusuf : The chief registration clerk gets an allowance of Rs. 5 and a sub-registrar's clerk Rs. 31-5-9 per mensem subject to the condition that the total salary of the latter does not exceed Rs. 60 per mensem.

TOURS OF COLLECTOR, JHANSI, AND SUB-DIVISIONAL OFFICER, MAU.

***44. Pandit Bhagwat Narayan Bhargava :** Will the Government kindly state how many days did the collector of Jhansi and the sub-divisional officer of Mau spend on tour in this winter season ?

Hon'ble Sir Samuel O'Donnell : The collector spent 92 days on tour, the sub-divisional officer of Mau 48

***45. Pandit Bhagwat Narayan Bhargava :** How many criminal and revenue cases did the said sub-divisional officer take up in camp in this season ?

Hon'ble Sir Samuel O'Donnell : Revenue cases	...	...	272
Criminal cases	...	..	11

***46. Pandit Bhagwat Narayan Bhargava :** How many times did he change his tour programme which he left with the nazir in the headquarters ? Did he give intimation of the same in due time to the litigants ? If so, in how many cases ?

Hon'ble Sir Samuel O'Donnell : Three times. Information was given to the tahsil and thanas, but fresh summonses were not issued.

MUNICIPAL TAXES.

***47. Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to state the number of municipalities in which (a) house or building tax is in force, (b) a municipal tax on income is in force, (c) both these taxes or none of them or some other tax is in force which is the basis for being qualified as a municipal elector.

* 48. Will the Government kindly state the lowest and the highest amount of income which has been fixed as the minimum for assessing municipal tax in the municipalities of the United Provinces ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made; the information is not yet available.

TOURS OF TAHSILDARS, JHANSI.

* 49. **Pandit Bhagwat Narayan Bhargava :** How many days did the tahsildar in Jhansi district remain on tour in the current winter season and in the same season last year ?

Hon'ble Sir Samuel O'Donnell : A statement is laid on the honourable member's table.

(See Appendix B, page 366.)

* 50. **Pandit Bhagwat Narayan Bhargava :** How many days did the tahsildar of Moth camp in Chirgaon or its suburbs during the months of October, November, and December, 1925 and how much halting allowance did he charge ?

Hon'ble Sir Samuel O'Donnell : The tahsildar of Moth spent about 24 days in Chirgaon on different occasions during the months of October, November, and December, 1925. He has charged halting allowance of Rs. 8-12 only.

PLAGUE.

* 51. **Dr. Ganesh Prasad :** Will the Government be pleased to state the steps taken by it—

(a) to check the spread of plague in Ghazipur ;

(b) to relieve those who are attacked by plague in Ghazipur ?

Hon'ble Rai Rajeshwar Bali : An account of the steps taken is laid on the table.

(See Appendix C, page 367.)

* 52. **Dr. Ganesh Prasad :** Will the Government be pleased to state if Benares city has become infected by plague ?

Hon'ble Rai Rajeshwar Bali : No ; some cases imported from neighbouring districts have occurred ; but no local infections have been reported.

* 53. **Dr. Ganesh Prasad :** If the answer to the preceding question be in the affirmative, is it the intention of Government to take steps to prevent the neighbourhood of Queen's College from becoming seriously infected ?

Hon'ble Rai Rajeshwar Bali : Does not arise.

* 54. **Dr. Ganesh Prasad :** Will the Government be pleased to state the total number of deaths in the United Provinces from plague since the beginning of the current year ?

Hon'ble Rai Rajeshwar Bali : The total number of deaths from plague up to the end of February is 7,343.

* 55. **Dr. Ganesh Prasad :** Has the Government any general scheme under consideration for the stamping out of plague from the United Provinces in the near future ?

Hon'ble Rai Rajeshwar Bali : No.

* 56. **Dr. Ganesh Prasad** : What is the total recurring expenditure on preventive measures against plague in the United Provinces ?

Hon'ble Rai Rajeshwar Bali : Rupees 1,47,299 in addition to Rs. 20,000 placed at the disposal of local authorities.

NOMINATIONS TO DISTRICT AND MUNICIPAL BOARDS, SULTANPUR,

PARTABGARH, AND RAE BARELI.

* 57. **Shaikh Abdus Samad Ansari** : (a) Was the name of any Muhammadan gentleman suggested along with that of Thakur Abhai Dut Singh for nomination to the district board of Sultanpur in 1925 ? If so, what is the name of the Muhammadan gentleman ?

(b) What were the qualifications of the Muhammadan gentleman and of Thakur Abhai Dut Singh who has been nominated to the district board of Sultanpur ?

(c) What were the grounds upon which Thakur Abhai Dut Singh was given preference over the Muhammadan gentleman referred to above ?

* 58. (a) Has any Muhammadan gentleman been nominated to be a member of the municipal and the district boards of Sultanpur, Partabgarh, and Rae Bareli ever since 1916 ?

(b) If so, what is his name ?

(c) If not, why not ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made : the information is not yet available.

NOMINATIONS TO MUNICIPAL AND DISTRICT BOARDS.

* 59. **Shaikh Abdus Samad Ansari** : Will the Government be pleased to lay on the table a statement showing the names and castes of the members nominated by the Government to the present district and the municipal boards of the United Provinces of Agra and Oudh and the classes (depressed or otherwise) to which these nominees belong ?

* 60. What castes are considered to belong to the category of depressed classes ?

Hon'ble Nawab Muhammad Yusuf : An answer will be given at a later date.

VILLAGE *panchayats* IN SULTANPUR, PARTABGARH, AND RAE BARELI.

* 61. **Shaikh Abdus Samad Ansari** : Will the Government be pleased to state the number of village *panchayats* established in the districts of Sultanpur, Partabgarh, and Rae Bareli ?

* 62. What is the number of cases decided by these *panchayats* during the last three years ?

* 63. Has there been any decrease in the number of cases tried by the honorary and stipendiary magistrates in any of the past years after this system was introduced ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made : the information is not yet available.

LANDHAURA ESTATE.

* 64. **Mr. Mukandi Lal** : Will the Government be pleased to state (a) what was the income of the Landhaura estate of Chaudhri Balwant Singh when it was taken over by the court of wards and (b) what it is at present ?

Hon'ble Sir Samuel O'Donnell : (a) The gross rental demand for 1923-24 was Rs. 1,92,790.

(b) The demand estimated in the budget for 1925-26 is Rs. 1,81,605.

The decrease is partly due to the exclusion of the rent of villages proposed for sale during the year and partly to the reduction in the income of village Bhogpur explained in reply to questions Nos. 69 and 70.

* 65. **Mr. Mukundi Lal** : What is the age of the ward ? What is the allowance allotted to him from the estate ?

Hon'ble Sir Samuel O'Donnell : His exact age has not been ascertained. He receives an allowance of Rs. 1,600 per mensem.

Khan Bahadur Hafiz Hidayat Husain : Is the total amount paid to the ward ?

Hon'ble Sir Samuel O'Donnell : I presume—I have definitely stated in the reply—that he receives an allowance of Rs. 1,600 per mensem.

Khan Bahadur Hafiz Hidayat Husain : Has it been paid ?

Hon'ble Sir Samuel O'Donnell : It must have been paid to him.

Pandit Nanak Chand : Is it a fact that it was originally fixed at Rs. 2,400 per mensem ?

Hon'ble Sir Samuel O'Donnell : I do not know.

Dr. Shafa'at Ahmad Khan : Will the Government be pleased to make inquiries ?

Hon'ble Sir Samuel O'Donnell : I see no reason to make inquiries.

Pandit Nanak Chand : Is the Government aware that out of the amount of Rs. 2,000 per mensem the court of wards or the local officers of the court of wards have allotted Rs. 400 per mensem to one of his wives ?

Hon'ble Sir Samuel O'Donnell : I must ask for notice of that. I do not know.

* 66. **Mr. Mukandi Lal** : What are the total expenses of the Landhaura estate court of wards (a) establishment, (b) other expenses, and (c) total ?

Hon'ble Sir Samuel O'Donnell : (a) The total estimated cost of the establishment for the management of the estate (including the special manager's pay) during the current year is Rs. 17,049.

(b) The other expenses of management amount to Rs. 9,102.

(c) The total estimated expenses of management amount to Rs. 26,151.

* 67. **Mr. Mukandi Lal** : Who is the supervisor of the Landhaura court of wards ?

Hon'ble Sir Samuel O'Donnell : There is no officer designated as supervisor in the Landhaura estate.

Khan Bahadur Hafiz Hidayat Husain : Does anybody act as supervisor or superintendent ?

Hon'ble Sir Samuel O'Donnell : There is a special manager of the estate.

Khan Bahadur Hafiz Hidayat Husain : Is that the Collector ?

Hon'ble the President : The honourable member is not being heard by the Chair at all.

Hon'ble Sir Samuel O'Donnell : The Collector exercises general supervision over the special manager.

* 68. **Mr. Mukandi Lal :** Is it fact that the supervisor of the estate has a motor and *jori* (pair of horses and carriage) belonging to the estate exclusively at his disposal for his use ?

Hon'ble Sir Samuel O'Donnell : The answer to the question is in the negative.

Pandit Nanak Chand : Is the Government aware that this motor which is referred to here was newly purchased ?

Hon'ble Sir Samuel O'Donnell : I do not think it was newly purchased : I think it was there before.

Pandit Nanak Chand : No ; it is a new motor.

Hon'ble the President : Is the honourable member voluntarily giving his own information or asking for information ?

Khan Bahadur Hafiz Hidayat Husain : Is any motor of the estate at the disposal of the superintendent ?

Hon'ble Sir Samuel O'Donnell : It is used for the management of the estate and is not at the private disposal of the special manager.

Pandit Nanak Chand : Is it used by the special manager or by the Collector ?

Hon'ble Sir Samuel O'Donnell : It is used for the purpose of estate management.

Dr. Shafa'at Ahmad Khan : Not by the Collector ?

Hon'ble Sir Samuel O'Donnell : No, unless it is required by him in connexion with his duties of general supervision.

* 69. **Mr. Mukandi Lal :** Is it a fact that Bhogpur village which was leased for Rs. 14,310 for ten years before the court of wards has been taken away from the lease-holder ? Is it a fact that the estate has suffered a loss by this ?

* 70. Will the Government be pleased to state what amount was to be realized from the lease-holder before the lease was cancelled according to the agreement and how much did the Government realize ?

Hon'ble Sir Samuel O'Donnell : Mauza Bhogpur was leased by Chaudhri Balwant Singh in 1330 Fasli for a period of nine years on an annual *jama* of Rs. 14,310 to one Ram Sarup. Ram Sarup is now dead, but served a notice on Chaudhri Balwant Singh on October 27, 1923, stating that he was relinquishing the *theka* as he had been induced to take it by misrepresentations. When the charge of the estate was assumed, the Collector reported that the real gross rental

demand of the village was only about Rs. 6,000 per annum and that it would be impossible for the lessee to pay anything like the *jama* fixed in the lease from the profits of the village. As the original lessee, Ram Sarup, was dead, and as his heirs, who are minors, deserved lenient consideration, the board decided to allow the heirs of the original lessee to relinquish the lease and the board have resumed the village under their direct management from 1333 Fasli. As for the three years during which the village remained with Ram Sarup and his heirs, the board have ordered that only the total gross rental demand according to the patwari's papers, for each year should be realized from the lessee's heirs without allowing them anything for the collection expenses and profits. The estate apparently does stand to lose by this cancellation of the lease, but it is doubtful whether the full lease money could have ever been realized from the heirs of Ram Sarup even if a decree had been obtained against them for the same.

* 71. **Mr. Mukandi Lal :** What has been the income of the estate (Bhogpur village) per year since it has been under the court of wards after the lease was cancelled ?

Hon'ble Sir Samuel O'Donnell : As the village has been resumed with effect from 1333 Fasli the figures asked for are not yet available.

* 72. **Mr. Mukandi Lal :** Is it a fact that the ward of the estate asked for the accounts and the budget and the same was not supplied to him ?

Hon'ble Sir Samuel O'Donnell : Government have no information.

Khan Bahadur Hafiz Hidayat Husain : Will the Government supply him with accounts ?

Hon'ble Sir Samuel O'Donnell : I must ask for notice of that.

* 73. **Mr. Mukandi Lal :** Is it a fact that the court of wards have sold the ward's Kankhal house ?

Did the ward protest against it ?

Hon'ble Sir Samuel O'Donnell : The suggestion to sell the Kankhal house originally came from the ward himself. The board consequently approved it. Then the ward changed his mind and sent in several protests. As a result the board have modified their orders and have asked the Collector to retain the main *haveli* and to sell the adjuncts of the house only. They have also instructed him that if this is not possible, the whole house together with the adjuncts should be retained.

Khan Bahadur Hafiz Hidayat Husain : Since the ward has changed his mind regarding the sale of the house, will the Government be pleased not to sell any part of the house ?

Hon'ble Sir Samuel O'Donnell : I have stated what the intention is. We have asked the Collector to retain the main *haveli* and to sell the adjuncts of the house only. We have also instructed him that, if this is not possible, the whole house, together with the adjuncts, should be retained.

* 74. **Mr. Mukandi Lal :** Is it a fact that the Landhaura demonstration farm has been abolished by the court of wards authorities ?

* 75. Who opened the farm and why was it closed down ?

Hon'ble Sir Samuel O'Donnell : Government are not aware that there was any demonstration farm in actual existence on the estate. There is

a tube well installed at Landhaura and there were some agricultural implements which the Collector took over along with the rest of the estate. The Collector proposed to start a demonstration farm on the *sir* at Landhaura but the board did not agree to it, as experience elsewhere shows that demonstration farms are usually not self-supporting and the finances of the Landhaura estate are so bad that it cannot afford to spend money on such experiment.

* 76. **Mr. Mukandi Lal** : Has the court of wards paid any debts of the estate since the estate was taken over by the court of wards ?

Hon'ble Sir Samuel O'Donnell : The court of wards has so far paid Rs. 4,08,575 towards the liquidation of debts found existing when the estate was taken over.

* 77. **Mr. Mukandi Lal** : Is it a fact that Shahmat, one of the chaprasis of the court of wards, was sentenced to one year's imprisonment under section 110, Criminal Procedure Code ? Is he still in the service of the estate ?

Hon'ble Sir Samuel O'Donnell : The answer to the first part of the question is in the affirmative and to the second part in the negative.

UNSTARRED QUESTIONS.

OPIUM AND HEMP DRUG SHOPS.

1. **Pandit Nanak Chand** : (i) Will the Government be pleased to lay a statement on the table showing the number of opium and hemp drug shops respectively districtwise for the last five years separately ?

(ii) The amount of opium, *ganja*, and *charas*, respectively, sold during each of the last five years ?

(iii) Was there been any decline in the sales of opium from the district treasuries since the Opium Smoking Act became law ? If so, to what extent ?

(iv) Do Government propose to lower the maximum limit of opium which an individual can keep ? What is the present limit ?

Mr. E. A. H. Blunt : (i) & (ii) The honourable member is referred to the tables in the excise administration reports of the last five years where these figures are given.

(iii) The Opium Smoking Act became law in May, 1925. The figures for the complete year 1925-26 are not yet available, but up to date they point to be trivial increase in such sales. But relatively so little opium is smoked and so much eaten that it is impossible to draw any inference regarding the effect of the Act from that increase.

(iv) The present limit for private possession is three *tolas*—a small amount. Government have no present intention of reducing it.

CLERICAL STAFF OF THE DIRECTOR OF PUBLIC HEALTH.

2. **Pandit Nanak Chand** : What constitutes the personnel of the clerical staff of the office of the Director of Public Health ? Which posts in the establishment are held by Muslims and Hindus respectively ? When and which of the incumbents were appointed to their present post within the last two years ?

Mr. G. B. F. Muir : The information is given in the statement laid on the honourable member's table.

(See *Appendix D*, page 368.)

MOSQUE AT DOGADDA, GARHWAL.

* 3. **Pandit Nanak Chand :** (i) What is the Muslim population in the district of Garhwal ?

(ii) How many Muslims have their shops at Dogadda ?

(iii) Has any Muhammadan any landed or house property at Dogadda ?

(iv) Is it a fact that the Government has recently, some time ago, given land for building a mosque at Dogadda ?

(v) Has there been any mosque at Dogadda before this permission ?

(vi) Is it a fact that the request of Hindus who asked for land for building a temple at Dogadda in 1907 or 1908 was refused ?

Mr. G. B. Lambert : On all points but (v) the honourable member is referred to the answer given to him in reply to unstarred question No. 46 of December 16, 1924. Regarding (v) the Government have no information but will inquire and let the honourable member know.

(Unstarred question No. 46 and the answer given to it on December 16, 1924, referred to in the answer to unstarred question No. 3 for March 29, 1926).

Pandit Nanak Chand : (a) What is the total population of Muhammadans in the district of Garhwal ?

(b) How many shops of Muhammadans are there at Dogadda ?

(c) Do Muhammadans possess any landed or house property at Dogadda ? If so, to what extent ?

(d) Is it a fact that Government has recently given land for the building of a mosque at Dogadda ?

(e) Is it a fact that in 1907 or 1908 Hindus applied for land to build a temple at Dogadda, and their request was rejected ?

(f) Is it a fact that local Hindu population have raised objections to the building of a new mosque at Dogadda ?

(g) Will the Government be pleased to reconsider the question in the interest of local peaceful inter-communal relations ?

Mr. G. B. Lambert : (a) 3,829.

(b) 23.

(c) Two houses at Dogadda are owned by Muhammadans.

(d) Yes.

(e) There is no record of any such application.

(f) Yes. An appeal has been filed in the court of the Commissioner against the deputy commissioner's order sanctioning the grant.

(g) The deputy commissioner has offered land to the Hindus for the construction of a temple, and there seems no reason why communal relations should be anything but peaceful.

COMMUNAL REPRESENTATION IN KOIL MUNICIPALITY, ALIGARH.

* 4. **Pandit Nanak Chand :** (i) What is the Hindu and Muslim population respectively of Koil municipality, district Aligarh ?

(ii) What is the relative strength of members of either community on the municipal board inclusive of nominated members ?

Mr. G. B. F. Muir : An answer will be given at a later date.

BURMA MEAT TRADE.

* 5. **Pandit Nanak Chand** : Will the Government be pleased to lay a statement on the table showing the number and kind of animals annually slaughtered for Burma meat trade during the last five years ?

Mr. G. B. F. Muir : The honourable member is referred to answers to starred questions Nos. 4 and 5 for December 14, 1925. The Government have no further information.

Copy of starred questions Nos. 4 and 5 asked on December 14, 1925, and the replies given thereto.

QUESTIONS.

* 4. Are any statistics available regarding the number and quality of animals slaughtered during the last two years in these provinces? If so, will the Government be pleased to lay them on the table?

* 5. What is the number and quality of cattle slaughtered for local consumption in these provinces during the last two years?

How many cattle were slaughtered for meat trade only? What is the quantity of dry meat on the average per year exported from these provinces?

ANSWERS.

* 4. Complete and accurate statistics of the number and quality of animals slaughtered are not available. According to the reports received by the Government the total number of animals slaughtered during the years 1922-23 and 1923-24 was 22,056,193.

* 5. The number of cattle reported as slaughtered for local consumption during the years 1922-23 and 1923-24 was 738,488; but this figure is neither complete nor accurate, since in some places records have not been kept or have been kept incorrectly.

During the same period the number of cattle reported as slaughtered for meat trade was 188,205. Figures of the quantity of dry meat exported are available only from certain places and even from these in most cases only for the year 1924. The total of the amounts actually reported was 35,555 maunds.

THE UNITED PROVINCES DISTRICT BOARDS PRIMARY EDUCATION ACT.

Hon'ble the President : I have to announce that the United Provinces District Boards Primary Education Act, I of 1926, which was passed by the Legislative Council of the United Provinces of Agra and Oudh on February 25, 1926, received the assent of His Excellency the Governor on March 23, 1926.

THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

Hon'ble the President : The honourable members have now to elect a representative to serve on the Court of the Indian Institute of Science, Bangalore. The scheme is already in the hands of the honourable members, the Secretary having sent them a copy of it, and honourable members know what the objects of the institute are and also its constitution. According to this constitution there is also to be a nominee of each of the provincial Legislative Councils on the Court of the Institute. This Government has decided accordingly that a nominee of this Council should sit on the Court. It is for the Council to decide whether the nominee should be an official or a non-official member. The Council as a whole will vote of course.

Pandit Nanak Chand : I propose Dr. Ganesh Prasad.

Dr. Shafa'at Ahmad Khan : I second the proposal.

Hon'ble the President : The name of Dr. Ganesh Prasad having been duly proposed and seconded, and no other name having been proposed, he is declared to be elected and his name will be sent up to the Government accordingly.

THE AGRA TENANCY BILL.

Hon'ble Sir Samuel O'Donnell : I beg to move that the Bill to amend the Agra Tenancy Act be referred to a select committee consisting of—

1. Mr. R. Burn, C.S.I., I.C.S.,
2. Mr. H. A. Lane, I.C.S.,
3. Lala Bihari Lal,
4. Khan Bahadur Mr. Muhammad Ismail,
5. Khan Bahadur Maulvi Fazl-ur-Rahman Khan,
6. Khan Bahadur Maulvi Fasih-ud-din,
7. Lieut. Raja Durga Narayan Singh,
8. Raja Narayan Pratap Singh of Malahjani,
9. Raja Jagannath Bakhsh Singh,
10. Rai Sahib Lala Jagdish Prasad,
11. Babu Sangam Lal,
12. Babu Nemi Saran.
13. Pandit Govind Ballabh Pant, and
14. Myself.

Sir, nearly a quarter of a century has elapsed since the enactment of the Act II of 1901. I am one of those who can remember the circumstances in which that Act originated and the controversies which attended its passage; and I do not think that anyone who is in the like position will be disposed to deny that it embodied a sincere effort to find a solution for the agrarian problem in the province of Agra. Nevertheless, I believe it would be now generally agreed that the results of that Act have not fulfilled the hopes which were entertained in 1901. The object of the Act II of 1901 was to secure to a larger extent than the law previously in force had allowed fixity of tenure and fair rents, and such is and must always be the aim of all sound tenancy legislation. But the means adopted for this purpose were in the nature of a compromise. No attempt was made to alter radically the existing system of land tenure. The essential feature of the old law, under which a tenant could be ejected if he had not held for twelve years, but acquired occupancy rights if permitted to hold for this period, was retained; but it was sought to extend the protected area (a) by making the legal procedure of ejectment more difficult and expensive, (b) by providing that nominal ejectment should be of no effect, and that if a tenant was allowed actually to remain in possession of land for twelve years under the same zamindar he became an occupancy tenant of the land represented by the minimum rent paid, and (c) by providing that leases for seven years or more would bar the acquisition of occupancy rights.

Now, Sir, doubts were early expressed regarding the effect of these changes, and subsequent experience has confirmed those doubts. It is true that the area recorded as held under occupancy right or for

[Hon'ble Sir Samuel O'Donnell.]

more than twelve years has increased between the years 1903-04 and 1921-22 from 12,709,000 to 14,366,000 acres, or by 13 per cent. But of this increase 4,93,000 acres are accounted for by the Jhansi division, in which the conditions are peculiar and the competition is for tenants rather than for land. Further, though occupancy rights have no doubt often been conferred in return for a lump payment or agreement to pay an enhanced rent, the growth in the area has been also due in part to fraud, mistake, and accident. Moreover, such increase as has taken place has been attained at the cost of an immense and growing volume of harassing litigation. In the years before Act II of 1901 was passed the average number of ejectments was 57,000, whilst, omitting for reasons known to the Council the years 1924, 25, the number of ejectment suits in the ten years ending with the year 1922-23 has averaged 121,000 and in the year 1922-23 was 157,000. The area held under seven years' leases has never reached one million acres and such leases are practically confined to Gorakhpur, Basti, and some districts in the Meerut division. As the non-occupancy tenant is a tenant-at-will, he has no security against the excessive enhancement of his rent and in consequence his rent tends to be a rack-rent. On the other hand, the landlords have suffered owing to the absence of any proper procedure for the revision of the rents of occupancy tenants. It is true that the existing law does provide for revision of such rents on two grounds: (a) by comparison with the prevailing rate for similar land in the neighbourhood with similar advantages and (b) on account of a rise in prices. Now, Sir, both these provisions have given rise to some difficulty. Anyone who has been a sub-divisional officer knows how unworkable they are; and the result has been that in practice occupancy rents have undergone little or no change during the currency of the settlement and that sub-letting is encouraged. Therefore the existing law is defective both from the point of view of the landlord and of the tenant. The non-occupancy tenant has had no security either against ejectment or against excessive enhancement of his rent. On the other hand, the landlord has been compelled either to sue for the ejectment of the tenant before he has held the land for twelve years or to allow the acquisition of occupancy rights, which in practice will generally debar him from raising rents until the next settlement; and in consequence relations between landlords and tenants have often been strained and embittered. The system in fact inevitably involves friction—friction, often serious and always tending to recur, is inevitable.

It has not been left to us to discover these defects. In the main they were recognized as far back as the years 1916-18, but the time was then judged inopportune for the initiation of far-reaching changes, and the Bill, which was published in 1918, valuable though it was in many respects, embodied in the main only changes of detail and procedure. I think it would now be agreed, whatever differences of opinion there may be regarding the precise changes that are required, that a radical revision of the Act can no longer be deferred. The years that have elapsed since the War have been for India as for other parts of the world a period of stress and change. New ideas, new aspirations have arisen, even amongst the conservative agricultural population of this province. There are signs amongst the cultivators, of a clearer realization of grievances and of a determination to press for their redress.

On the other hand, amongst the landlords there has been a growing recognition of the need, both in their own interests and in the interests of the tenants, of a revision of the law which, while doing full justice to the rights of proprietors, will secure a stable and contented tenantry. For these reasons, Sir, we decided in 1923 to appoint a committee with instructions to examine Act II of 1901, to report what changes were required, and to submit a draft Bill. We endeavoured to make that committee as fully representative as was practicable. All but one of the members of that Committee were members of this Council. I take this opportunity to say that we are deeply indebted to the members of that committee for the care, the knowledge, and the ability which they brought to bear on their task. Their report was published in August, 1924, and we have carefully examined the criticisms that have appeared in the Press or have been submitted to us. On some points we have had to differ from the committee, but in the main our Bill follows their draft Bill.

The most vital provisions of the Bill are contained in clause 17, clauses 19 and 20, clause 50, clauses 55 to 59, and clause 61. These clauses constitute what I may call the general framework of the Bill. It will be observed that they introduce three radical changes. In the first place, it is proposed that occupancy rights should no longer be acquired by the mere lapse of time. All existing rights will of course be scrupulously retained and occupancy rights may be acquired by grant or sale, as frequently they have been in the past, so that it does not follow that the occupancy area will decrease, and it may even increase. But the old twelve-year rule, that fruitful source of litigation, that rule which inevitably led to litigation, is abrogated. In the second place, it is proposed that a statutory life-tenure be conferred on every tenant-in-chief, other than a tenant of *sir*, with the right to the heir to hold on for another five years.

Thirdly, Sir, the Bill introduces the system of the roster year for the revision of rents. The system of the roster year is already in force in Oudh, and I take it honourable members are generally familiar with its main features. It is a system under which equitable rates are framed by experienced officers, and those rates will serve as a basis for the determination of any applications for revision of rents. There are, however, Sir, three points to which I desire to invite the special attention of the Council.

The first point is this. The interval between two roster years will we propose, be one-third of the normal period of settlement sanctioned for temporarily settled areas. Now, as the Council are aware, we are proposing that the normal period of settlement, that is the period fixed for the new settlements, should be forty years. I think that meets the criticism of two members of the committee that the simplification of the procedure for enhancement of occupancy rents might raise, or tend to raise unduly, the rents of old occupancy tenants, because, if our proposal regarding the period of settlement is accepted, then thirteen years must elapse after one revision of rents before there can be another revision.

The second point is this. There was a difference of opinion amongst the members of the committee on the important question whether a tenant should be allowed to apply for abatement of his rent on the

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ground that his rent was excessive as judged by the sanctioned rates, that is, the rates for the roster year. We propose, Sir, that a tenant should be allowed to sue for abatement on that ground. I do not propose on the present occasion to discuss this point at any great length. I feel sure that this is one of the points which will be the subject of keen discussion in the select committee. I will only observe that the tenant takes the land subject to the liability of having his rent enhanced if it is below the level of the sanctioned rates, and *prima facie*, it seems reasonable that a corresponding liability should rest on the landlord. Further, it is of course obvious that fixity of tenure is useless—that it is useless to confer or to profess to confer security of tenure—if the rent which the tenant has to pay is more than he can pay.

And thirdly, Sir, we propose, following the committee, to limit individual enhancements of rent to the one-third of the previous rent, subject to the condition that the rent should not be less than 50 per cent. of the valuation at settlement rates. The committee also recommended as a corollary to their proposal that a limit should be imposed on revenue enhancements and that it should be fixed at 33 per cent. The two cases are not indeed completely parallel, because rents will be liable to be revised on two occasions, during the period of settlement. Nevertheless, we are in agreement with the committee that, if there is to be a limit to enhancement of rent, there should be a corresponding limit to the enhancement of revenue, and, as honourable members already know, we have embodied proposals to that effect in our Bill to amend the Agra which Land Revenue Act.

These three proposals are taken, with some modifications, from the Oudh Rent Act. I do not suggest that that is a conclusive reason for their acceptance. I am well aware that the Oudh Rent Act has been in force for too short a period to permit of a final judgement on its merits. But this at least can be said that our main proposals are on the lines met with the approval of the reformed legislature.

All the rest of our proposals, Sir, may be said to be ancillary or subsidiary in a sense to these three proposals. But some of these subsidiary proposals are in themselves of great importance, and, in particular, clause 4 (a), clause 29, clause 40, and clause 81. Of these clauses, Sir, the first clause, namely 4 (a) relates to the extension of *sir*. Under the existing law, which is reproduced with verbal alterations in the first three sub-clauses of the Bill, there can be practically no extension of the *sir* area. The committee proposed, and we have accepted their recommendation, that two sub-clauses should be added on the analogy of the Oudh Rent Act. The first of these provides that all land which at the commencement of the Act was being cultivated by the proprietor and was recorded as his *khudkash* should be recorded as *sir*. That is a very important proposal from the point of view of the landlords. It will mean a very large addition to the area accorded to *sir*. Under the second sub-clause, all land which is cultivated continuously by the proprietor for ten years from any date after the commencement of the Act will also be recorded as *sir*. Honourable members will notice that there is a proviso to clause 4 which limits the amount of *sir* that can be acquired under the second sub-clause. They will notice, too, that this proviso lays down a much more liberal scale than is allowed under the

Oudh Rent Act. For that there are very good reasons. The number of landlords in Agra is far larger than the number of landlords in Oudh, where, I believe, two-thirds of the land is held by taluqdars. Many landlords in Agra are small landlords; and they have to supplement their rents by cultivating some land on their own account.

Then, Sir, I come to clause 29. That clause relates to sub-letting. Sub-letting is a very difficult problem indeed. It might be called one of the cruces of all tenancy legislation. It has always been agreed that there must be restrictions on sub-letting. On the other hand, it is equally clear that a sub-lease ought not to be restricted to so short a period as will encourage a sub-tenant to exhaust the soil. There were, as might be expected, differences of opinion among the members of the Committee on the Rent Bill as to the precise restrictions which should be imposed. We have accepted the recommendation of the majority, namely, that occupancy and ex-proprietary tenants should be allowed to sub-let for a period of five years, subject to this condition, that the holding or a portion of the holding must not again be sub-let for a period of five years after the first lease has expired. Similarly, a statutory tenant will be allowed to sub-let for a period of three years, subject, again, to the condition that there must not be sub-letting within three years after the expiry of the previous sub-lease. We think that these provisions are the best that can be introduced to safeguard the interests both of landlords and tenants in this very important matter.

Then, Sir, there is clause 40. That clause relates to the acquisition of land by a landholder for his own cultivation, for agricultural development, for groves or the erection of houses, factories, and so on. It is of course based on the analogy of clause 30A of the Oudh Rent Act. This clause is a very important clause from the point of view of the smaller proprietors, because it will enable them, if necessary, to acquire land for their own cultivation.

Then, Sir, there is clause 81. This clause, again, is a very important one from the point of view of the landlord. It is a clause designed to simplify the procedure for the collection of rents. Under this clause a landlord can apply to the tahsildar for the issue of a notice to his tenant for the payment of arrears of rent and for his ejectment if the arrears are not paid. This summary procedure is of course an entirely new departure. Hitherto a tenant could only be ejected after the arrears had been decreed. I think the Council will recognize that in a procedure of this kind safeguards are necessary and we have provided them. The tahsildar can extend the period for payment of arrears up to six months, and an appeal lies to the Collector against any order of a tahsildar. Further, if the notice is contested, then the suit becomes one for arrears of rent.

The only other clauses, Sir, to which I need draw attention are :--(i) clause 19. This clause confers statutory right on tenants admitted in future, i.e., after the commencement of this Act, by fixed-rate tenants. I daresay honourable members are aware, and certainly those who come from areas under permanent settlement are aware, that the position of the fixed-rate tenants is practically, though not legally, closely analogous to that of a sub-proprietor; in districts under permanent settlement a large area held by fixed-rate tenants, which is sub-let and the rents are much higher than the rents paid to the landlords. That being the position,

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it seems to us only reasonable that the tenants of fixed-rate tenants should have the same protection as that given to tenants-in-chief. On the other hand, we are providing that the fixed-rate tenant can acquire land for his own cultivation.

(ii) Then, Sir, there are clauses 4, 38, 39, and 42. These clauses relate to that very difficult and very interesting subject, viz., consolidation of holdings. Two years ago we issued a resolution on that subject. For the reasons stated there, we do not think that the time has yet come for the introduction of compulsion on a large scale. We are anxious at the same time to do what can be done, short of compulsion, to promote consolidation and we hope that these clauses will do something to that end by providing facilities for the exchange of land by tenants without losing their rights in lands they at present hold.

(iii) Then, Sir, there are clauses 60, 61, and 64. These clauses allow commutation of rent at any time and on the application of either landlord or tenant.

(iv) Lastly, there are certain provisions in the final chapter which are designed to prevent conflict or duplication of jurisdiction and concurrent appeals in both revenue and civil courts. They also confer larger powers on assistant collectors of the first and second class.

Well, Sir, these are the main features of the Bill. I am conscious that the account I have given of them has been brief and meagre. But honourable members will find in the report of the Rent Committee a full discussion of all points, and when the Bill comes again before them for final consideration they will have the report of the select committees which I have no doubt will subject every clause of the Bill to the most careful scrutiny. I hope, however, that what I have said will at any rate show that in framing our proposals we have aimed at a solution that will do justice both to landlords and tenants. In matters of tenancy legislation there can be no greater mistake than to suppose that there is a fundamental divergence between the interest of landlords and those of the tenants. In the daily working of a complicated system of land tenure the clash of individual and immediate interests cannot altogether be avoided, though legislation can do much to minimize friction and promote co-operation. But that fact should not blind us to the other fact that, after all, the landlords and the tenants are partners in a common enterprise and that the prosperity of the landlords is bound up with that of their tenants. That has always been true, but it is a truth the recognition of which is more urgent, more imperative at the present moment than it has ever been. There are, I say it deliberately, parties in these provinces who make little or no secret of their hostility to landlords and all that the land-owning classes represent in the country. I shall not attempt to analyse their motives. But that such parties exist is undoubted. I need hardly say that the Government do not share their attitude. It is no part of our policy; it is no part of our programme to weaken the position of the landlords or to take away from them anything that is their due. We believe that the landlords, if they so will, can play a great and beneficent part in the development of the country and we desire that they should have the opportunity to do so. But the landlords themselves must move with the changing times. They must recognize and must respond to the new ideas and the new aspirations of the democratic age

in which our lot is cast. If they do so, they need have no fear for the future. Above all it is essential that the landlords should establish good relations with their tenants, for, in a stable and contented tenantry they will find the strongest bulwark against those forces which are inimical to them. I am glad to say that I believe that that is the feeling which inspires all enlightened landlords. It is, Sir, because we believe that a radical revision of the existing law will foster such relations that we have introduced this Bill. We do not claim that our proposals will furnish a solution for all time. In human affairs there is no finality. We may be certain that fresh problems will arise in the future which our successors will have to deal with as best as they may. But we do believe that this Bill will go a long way to remove the defects that undoubtedly exist in the present Act, that it will confer security of tenure and fair rents on the tenants in a much larger measure than has hitherto been possible whilst securing to the landlords a fair share of the profits of the land and that it will encourage that friendly co-operation between tenants and landlords on which the prosperity of both depends.

Rai Sahib Lala Jagdish Prasad : I rise to make a few observations on the proposed Agra Tenancy Bill. The chief object of the Bill seems to be to provide for increased security of tenure for the tenants and to minimize litigation. But we have to see that, in our desire to deal satisfactorily with these questions, we do not sacrifice the interests of any class of the agriculturists of the Agra Province. The Bill has been before the public for about 1½ years and both the zamindars and the tenants have given expression to their views in regard to it during this period. From what they have said on the subject, it seems to me that the provisions of the Bill in general have not entirely found favour with either the zamindars or the tenants. On the one hand there are some provisions in the Bill which the zamindars do not like; on the other hand there are others which do not satisfy the tenants. My idea, therefore, is that some changes be made in the principles of the Bill in order to make it acceptable to both these important sections of the agricultural community. It is high time that we should make the Bill acceptable to both the zamindars and the tenants as far as possible, if we are really keen to arrive at a satisfactory solution of the agrarian problem. We must see that harmonious relations are fostered between the zamindars and the tenants, rather than throw an apple of discord between them.

Now, coming to the discussion of the Bill, I should like to point out that the chief provision therein is the conferment of life tenancy on all non-occupancy tenants. This provision, Sir, so far as I could gather, is neither acceptable to the zamindars nor to the tenants. The zamindars, generally speaking, do not like it, considering the fact that about 55 per cent. of the total holdings' area in the Agra province is already under occupancy tenants and about 21½ per cent. is under *sir* or *khudkasht*, thus leaving only about 23 per cent. as non-occupancy area, including the area under long-term leases, unlike the province of Oudh in which the protected tenant's area was only 2 per cent. when life tenancy was conceded there. The zamindars, therefore, think that if the remaining 23 per cent. of the non-occupancy area is converted into life tenancy, there would be no land left at their disposal. And knowing, as we do, that the province of Agra is pre-eminently a province of petty and

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impecunious landlords who deserve as much protection as the tenants, in that 86½ per cent. of the total zamindar population of the Agra Province are payers of land revenue of less than 100 rupees per annum, it is clear that the large bulk of the zamindars, being petty and impecunious, will be hard put to if life-tenancy is conceded in their lands in entirety. The non-occupancy tenants themselves seem to dislike the provision of life tenancy, because they think that, under the provisions of this Bill, they would be debarred from acquiring occupancy rights which they love and value so much. Letting alone party considerations, one point which I think deserves deep consideration at the hands of this Council is that, if the remaining 23 per cent. of the non-occupancy area is converted into life-tenancy, we would be practically shutting the doors against those classes who may hereafter like to take to agriculture, because there would be no land left at the disposal of the zamindars to be given to new tenants; and thus agricultural development will be practically stereotyped. My idea, therefore, is that if some other satisfactory solution of the problem could be found, that may be more acceptable, it would perhaps be better in the interests of the agricultural community as a whole. It may perhaps be out of place to suggest here any alternatives to the disputed question of life-tenancy, for it lies in the province of the select committee to devise a satisfactory solution of the problem; but if I may make a few tentative suggestions, by no means complete and final, but only pointing to the direction in which a satisfactory solution may be sought, I may observe as follows:—Firstly, knowing as we do, that there has been an increase of about 13 or 14 per cent. in the occupancy area between the years 1903-4 and 1921-22, despite the official view, to which I do not subscribe, that this increase in the occupancy area is mostly due to accident, mistake, or fraud, I do not think there is any cause for alarm, because the remaining 23 per cent. of the non-occupancy area will at this rate, in the natural course of events, come under occupancy tenure within the next 25 or 30 years, roughly speaking, if the present Tenancy Act, with which neither the zamindars nor the tenants are dissatisfied, were to continue in force, or if some other tenancy law be enacted on similar lines, as for example, the one drafted by the Board of Revenue in the régime of Sir James (now Lord) Meston. Such a law might perhaps with necessary changes be acceptable to both the parties; to the zamindars, because they are generally speaking not in favour of giving life-tenancy, and to the tenants, because they will have all hopes of acquiring occupancy rights in the remaining 23 per cent. of non-occupancy land some day. Considering the *de facto* increase in the occupancy area no case arises for a new legislation on the lines of the Oudh Tenancy Law. If fixity of tenure is to be aimed at, there can be other alternative ways than that of conferring life-tenancy straight away, by which this object can be attained. One is that all existing non-occupancy tenants may be allowed by law to continue in their present holdings for a period of, say, ten or twelve years, after which they should be at liberty to enter into fresh agreements with their landlords at a reasonable enhanced rent or to relinquish the lands. Thus either the same tenants, if they agree to a reasonable enhancement of rent, or the new tenants, if admitted after the relinquishment of the lands by the former, as the case may be, could be allowed to be in possession of

their holdings uninterrupted for another ten or twelve years, and so on. This alternative may perhaps prove to the satisfaction of all; to the satisfaction of the tenants, because it would provide for them a fixity of tenure for at least ten or twelve years and in case of fresh settlement with the landlord to a further period of ten or twelve years, and so on; and to the satisfaction of other classes, because after every ten or twelve years there will be a likelihood of the expectations of the new aspirants being fulfilled who may like to take to agriculture hereafter as their profession, thereby allowing free scope for the agricultural development of the province. If, however, life-tenancy is to be conceded, as provided in the Bill, then I would suggest that it is very essential that a certain proportion of the land of each proprietor, say 33 per cent., must be regarded as his demesne in which statutory rights should not be allowed to grow up, as was suggested by my honourable friend Maulvi Abdul Hakim to the committee which drafted this Bill, or a sliding scale can be laid down giving greater percentage to small proprietors and a lesser percentage to bigger ones. This demesne of the proprietor should be at once termed his *sir*. I am emphatic on this point and believe that if life-tenancy is going to be conceded then this much concession ought in any case to be allowed in the interests of the zamindars in general, petty landholders in particular, who form not less than 86½ per cent. of the total zamindar population, and in the interest of those who may like to take to agriculture in future, to whom some of these *sir* lands could be available.

As regards the second point, namely, the object of minimizing litigation, I find myself in very grave doubts as to whether the proposed Bill will fulfil that object to any great extent. Without entering into the details, which I think should be avoided at this stage, I may point out that section 24 alone of this Bill, as drafted at present, is likely to give rise to a crop of litigation. Apart from the fact that the interests of different classes of tenants have been made to devolve upon the deceased's father, mother, daughter-in-law and paternal grandfather in addition to those relatives of the deceased who inherit under the present Tenancy Law, the words "dependent on the deceased tenant at the time of his death" along with the explanations appended to the section are sufficient in themselves to drag the zamindar and the tenant unnecessarily into the court to a great extent, if the section is allowed to stand in its present form. In my opinion the succession of tenants in the matter of tenancy right should not be made on the lines of succession in the case of proprietary rights, as is perhaps sought to be made, because interest in the tenancy is quite different from interest in proprietary rights. This section of the devolution of tenancies ought, therefore, to be made less complicated and less wide than what it is at present. For the purposes of succession, the old section had better be retained, which is undoubtedly much simpler. I have quoted this section, i.e., section 24, as an example to show that there is no likelihood of litigation being minimized under the provisions of this Bill.

There are other important points which require deep consideration, but which I do not consider it fit to dwell on at this stage. They should, in my opinion, be left to the select committee to be taken up by them or they would be more suitably taken up by the Council when the Bill comes up finally for consideration before it, after having emerged from the select committee. But before I sit down I wish to emphasize at

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this stage one point and it is this: this Bill being of a very important nature and fraught with grave consequences to the agricultural community of the province which forms the backbone of the total population, the select committee and finally the Council ought to have every right to make changes or alterations even in the principles of the Bill in any way they like, if deemed necessary. That is to say, if the Council accepts the motion of the reference of the Bill to the select committee, the Council and the select committee should not be deemed to have committed themselves to the principles of the Bill, unlike the case of other Bills in relation to which this view is generally taken. If this wider view is taken, as suggested by me, and the select committee and ultimately the Council are allowed a free hand in modifying the Bill as they like, then I hope that it would be possible to give a form to the Bill which might be acceptable to all parties concerned and many a danger apprehended by one class or another might be averted.

With these observations I would request the House to consider this momentous measure with a cool head and a generous heart.

Lieut. Raja Durga Narayan Singh : I am glad that this day the Council has afforded me an opportunity for considering a measure which concerns our tenants and zamindars, and we who represent them have to determine what we should do to maintain good relations between them. Our common aim should be that there is a fair dealing with the classes of the tenants and the zamindars. In making observations on the Bill I should like that we should bear in mind the following four principles :—

The first principle is that the interest of the zamindars and the tenants do not clash in any way, because every one in this House and outside, must admit that the prosperity of the zamindar chiefly depends on that of the tenants and the welfare of the tenant is greatly in the hands of the zamindar. So, Sir, we should try to chalk out such lines as may harmonize these two classes in the province and their interests may not clash in any way.

The second point which we should bear in mind is that we are moving every day towards the goal of responsible Government and we are gaining that goal of reforms to which we have aspired for the last 50 years. This object cannot be achieved unless and until the community which we consider a part and parcel of the nation is uplifted. The tenants have to give education to their children; they have to look after sanitation and it is needless to say that they cannot do these things without having any purse with them.

The third point is that the zamindars are the natural guardians of the tenants and now the time has come for them to show here and outside that they treat their tenants justly, rightly and honestly.

The last point to be borne in mind is that in the Agra Province the petty zamindars form the bulk of the class. So, while considering the interests of the tenants, we should not forget to consider the interests of the petty zamindars. Petty zamindars and tenants are like twin brothers, and we should not forget even for a moment the interests of either. Sir, I am glad to observe that these principles have been observed in some measure or other in the Tenancy Bill, but there is still a need for making further improvements. I shall quote one or two instances to show the advance that has been made to

improve the condition of the tenants. To secure fixity of tenure and fairness of rent, the two essentials of the property of tenants, an advance has been made which entails that the Bill has given them life tenure. There may be some criticism to the effect that it is not sufficient; but, taking all the circumstances into consideration, I hope our brother tenants will be satisfied with the measures which have been adopted in the Bill. The next thing is that the present Act is defective in its provisions relating to succession, as the female heirs, like mother and daughter-in-law of the deceased tenants, are excluded. But in this Bill I find that due care has been taken to give such heirs their dues and to enlarge the scope of inheritance.

The improvement of provisions as to succession is a measure on which I congratulate the authors of the Bill.

As I have mentioned before, the majority of zamindars in the Agra Province are petty ones and more than half of them pay as their land revenue less than Rs. 25. Six lakhs of them pay a revenue of Rs. 100 and only about a lakh pay more than Rs. 100. Most of them being petty zamindars, we should take care that their interests are protected and should see that their rights are safeguarded.

The authors of the Bill have tried their level best to check litigation, but still there is much more to be done in this direction when the Bill goes to the select committee. We should do our best to improve the Bill in such a way that neither the zamindars nor the tenants waste money over litigation. The Government on its part, I hope, will co-operate with us in our efforts to remove grounds for litigation between the two communities. In my opinion the big zamindars ought to make sacrifice for the tenants because there is much scope for them to rise in other spheres of life. So far as the petty zamindars are concerned, we should take care that their rights are adequately safeguarded.

Lieut. Nawab Jamshed Ali Khan : Putting aside the idea as to how far this Bill as it stands will be beneficial for the landlords and the tenants and whether it will or will not prove a blessing for both the parties concerned, I thank and congratulate the Hon'ble the Finance Member for not forgetting the landlords of the Agra Province :—

قہر نگاہ سے دیکھتے رہے دیکھتے تو ہیں * میں شاد ہوں کہ ہوں تو کسی کی نگاہ میں

It is said that the Agra Tenancy Bill is amended on the basis of the Oudh Rent Act, but at the very outset may I ask the Hon'ble the Finance Member to let us know what led the Government to amend the Agra Tenancy Act? Was there any agrarian trouble in the Agra Province? Was there any demand on behalf of the tenancy of the Agra Province? Was there any evil practice like nazrana prevalent here, as it is said to have been in Oudh? Here I want to quote a small passage from the speech of the Hon'ble Sir Ludovic Porter in the debate on the Oudh Rent Bill. He said :—

“This has led to the extension of the system of taking nazrana or premia from the old tenant, who is liable to ejectment by notice at the end of seven years and who desires to retain his holding, or from the new tenant who desires to obtain possession of the holding. The evils

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connected with this system have been recognized for many years. They have come to a head since the war owing to circumstances on which I need not dwell, and it has finally fallen to our lot to endeavour to amend the Act in such a manner as will ensure a reasonable fixity of tenure to the tenant while taking from the landlord nothing of his just rights."

Sir, in the absence of any such conditions, I am quite unable to understand what led the Government to bring in this Bill for the amendment of the Agra Tenancy Act. One thing more I want to mention. Sir Ludovic Porter stated in his speech that the taluqdars of Oudh were consulted before the Oudh Rent Act (Amendment) Bill was presented to the Council. I ask your permission, Sir, to quote another passage from his speech which runs as follows:—

"Before introducing this Bill we have conducted long and anxious negotiations with that great body known as the taluqdars of Oudh. It is our good fortune that, owing to their sense of patriotism and of their duties to their tenantry and to the common sense which this body of landlords as a whole has always exhibited, we are enabled to produce the Bill with their free consent as to the main principles involved."

I am sorry to say that no such consultation was made on this occasion when a question of life and death of the zamindars of the Agra Province was going to be settled. Though I am quite aware of the result of such sort of consultations, yet it would certainly have given some consolation to the zamindars, or at least the words "generous" and "patriotic" could also have been added to their names, exactly as was done in the case of our brothers the taluqdars of Oudh. The condition in the Agra Province is quite different from that of Oudh. In Agra there are a lot of small zamindars who are in no way better than tenants and as a matter of fact they are but peasant proprietors. Unfortunately, the word landlord carries in an idea of a very rich man rolling in wealth; but if one cares to go to the Agra Province, he will find that, out of the seven lakhs of zamindars, six lakhs twenty-five thousands or more pay a land revenue of less than Rs. 100 a year. I want to ask the Hon'ble the Finance Member as to what safeguards have been provided for them in this Bill. They are as a matter of fact in need of as much protection as the tenants. I want to remind the House of the old saying that "Trust begets trust and distrust begets distrust." If an atmosphere of suspicion and distrust is said to have been prevailing between the zamindars and tenants of the Agra Province, then, Sir, I want to know who is mainly responsible for creating such an atmosphere? Was this atmosphere not created by declaring the policy of giving occupancy rights to the tenants on the one hand and on the other hand by asking zamindars to save themselves by not to allow the tenants to cultivate their lands continuously for twelve years? Was not this bad feeling further fanned in 1902 by Lord MacDonnell's policy? Was not the bone of contention thrown between the zamindars and tenants to make them fight like two hungry dogs? It ill becomes the Government now to turn round and say that we want to amend the law to create better atmosphere and good feelings. I say, Sir, that the sister province of the Punjab has not adopted this policy. We find there that the relations between the zamindars and tenants are as friendly as they can be. I can

claim that there can be no better friends of the tenants than the zamindars. Our interests are identical; our prosperity is inter-dependent. I am quite sure that if the Bill had been amended on the lines of the Punjab Province there would have been no discontent and no bitterness left between the tenants and the zamindars. I want to clear my position by saying that I am not in favour of throwing out the Bill at this stage, but I think that there are a lot of improvements to be done in different sections. Sir, with your permission I would like to submit only a few points of vital importance for the consideration of the select committee:—

(1) At least half of the entire holdings should be excluded from the life-tenancy. The zamindar should have full rights in it. This is a very reasonable and legitimate demand, as in the Agra Province more than three-fourths of the land is under occupancy rights already.

(2) After the death of a tenant no right should be given to his successor to have the land for five years, as is proposed at present. Besides being very unjust, the result of such an enactment will be only to create unnecessary litigation between tenants and zamindars. There is absolutely no sense in making a provision like this.

(3) The third point which I would like to emphasize is that the right of inheritance so far as occupancy tenants are concerned should not be extended beyond what it is at present.

(4) The fourth point which I want to bring to the notice of the House is that no sub-letting should be allowed to the tenants.

(5) The zamindars should be given more facilities for realizing rent from the tenants. In other words, the zamindars should have the same rights in realizing rents from their tenants as the Government have in realizing land revenue from the zamindars.

(6) There is one more thing which works as a great hardship on the zamindars. The zamindars should not be made to pay any compensation to the tenants if they wish to get back their lands from the tenants for *khudkasht*. The reasons for this are obvious. There are instances in which zamindars have been forced on account of their poverty to become tenants themselves. In such circumstances when they themselves stand in need of help, it will be too much to expect them to pay compensation for the land, and at the same time it is rather an anomalous position for the zamindars that, having lands, they could not have them when they themselves want to utilize them.

(7) The word "landlord" be substituted for the word "landowner."

With these words I submit that the Bill be referred to the select committee.

Pandit Nanak Chand : I have patiently listened to the speeches of my honourable friends who have just spoken. The question of the adjustment of relations between landlords and tenants always proves to be a serious problem for solution everywhere, even outside this country, where the twin institutions of landlords and tenants are found to exist. There are two essential conditions for contentment among agriculturists and agricultural prosperity, namely, fixity of tenure and fair rents.

If fixity of tenure is secured without a guarantee of fair rent, the condition of tenants remains as bad as it would otherwise have been. Arthur Young once remarked that "the magic of property turns sand into gold." I think, Sir, this apt economic truism, which can, with

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some verbal modification be applied to tenancies; if we substitute "continuity of possession" for "property" it would not be inapplicable. These two essential conditions for good agriculture are easily satisfied either by a system of peasant proprietorship, where the actual cultivator owns the land he cultivates, or where he is a tenant of the State, for instance, in the provinces of Bombay and Madras where the system of ryotwari tenures prevails and rents are not variable at close intervals; the Government assessing their demand once in 30 years. But this problem is complicated in places where we have landlords as in our provinces. Landlords have got the same business instincts as any other persons could be expected to possess, and it is quite natural that they should endeavour to secure the largest profits from their property. There are two stages in the development of an agricultural country. The first is the stage when there is dearth of tenants while there is a large amount of land. There is competition for tenants and the zamindars offer terms which would induce the tenants to come and stay on their holdings. But as the pressure of population on land increases, the situation gets reversed. Instead of fewer tenants there are fewer holdings. The zamindars in most cases, if not all, select their tenants on the basis of competition rents. Where the limits of fair rent are exceeded, the result is rack-renting and consequent lowering of the standard of life of the cultivator, which often falls to starvation level, as we find in the case of unsecured tenants in Agra Province, which is not in the interest of the province as a whole, as it leads to loss of incentive on the part of the tenants leading to his inefficiency. On account of the working of these forces the Government felt the need of devising means to secure fixity of tenure for the tenants and decided to create occupancy rights, as is evident from the Act of 1859. Some of my zamindar colleagues have criticized the Government for this step. I recognize that rack-renting is a creation of circumstances. Government had no intention of depriving the zamindars of their legitimate rights, but they had to take steps to counteract the evils of rack-renting and to secure fixity of tenure for tenants. The third essential condition of good agriculture after the first two conditions are met is the question of improvement of land. In our province the zamindars have not paid the attention to this aspect of the problem that they ought to have, as capitalists, as men of resources, as men of intelligence and influence and as men of education. And so long as heritable tenure whether you call it occupancy tenure or otherwise is not granted, the tenant cannot be expected to make any permanent improvements in land by investing his capital. Unless he feels confident that the zamindar will allow him and his heirs to stay on the land to enjoy the benefit of his improvements, he will not make any investment on improvements. In other countries where the Government have failed to solve the problems arising out of the conflict of interests amicably between the landlords and their tenants, they have, for instance in Ireland, initiated the policy of land purchase from the year 1869 with State help in the form of loans raised on the security of the State, and recently they passed an Act in 1923, whereby they give liberal grants, in addition to the creation of land stock; thus they have been attempting to create peasant proprietorships on the analogy of the small landholders in our province who cultivate their own land. A somewhat similar move is noticeable in England, where a committee of the liberal party have recommended the nationalization of land and the creation of cultivating tenures somewhat on the lines of the ryotwari

system in Bombay and Madras. But I think matters in our province have not reached such a hopeless position. I feel encouraged from what I may call a liberal attitude on the whole of the zamindars and taluqdars when on the occasion of the Oudh Rent Bill they granted life tenures for the entire Province of Oudh, that they will rise equal to the situation in the case of Agra Province as well and will arrive at a solution once for all which will be permanent and lasting, which will secure better relations between the two important interests, and will eliminate the chances of friction and ruinous litigation. It was pointed out that the various attempts of the Government as embodied in a series of Acts beginning from 1859 to secure fixity of tenure have failed, and for this reason the Government have brought forward this Bill. The Government has been conscious of the need of revision of the Agra Tenancy Bill ever since the year 1916 when the Board of Revenue drafted a Bill which was not introduced at the time. The right of acquiring occupancy rights which the tenants have enjoyed since 1859 is regarded by them as their Magna Charta and any interference with that right will be seriously resented by them. The Government resolution appointing the Tenancy Bill drafting committee noted that whatever increase there was in the occupancy area was due either "to accident, mistake or fraud," and it was earned by ruinous litigation and by constant tug-of-war between the two classes. Zamindars often complain that the Government have thrown this apple of discord between the two parties. When there was no right of accrual of occupancy there was no such keenness on the part of the zamindars to eject their tenants. The position before that is alleged to have been of "no occupancy rights and no ejectment." I ask my zamindar friends—are they prepared, in case the right of accrual of occupancy rights is given up, to incorporate in the present Bill provisions by which they will guarantee that no tenant will be ejected from his holding except for arrears of rent, and that they will be allowed to occupy such holdings on fair rents determined by court? Sir, the present Bill proposes to confer life tenancies on non-occupancy tenants on the analogy of life tenancies created in Oudh. I maintain that the conditions in Oudh and Agra are entirely different. At the time the Oudh Rent Bill was brought forward before the first Council about 98 per cent. of the cultivated land was with unsecured statutory tenants holding for periods of seven years. The solution which was applied to the Province of Oudh and which was a generous concession on behalf of the taluqdars, is not, in my opinion, a solution which can be applied to the Province of Agra. In the Province of Agra the majority of tenants are already occupancy tenants; there are only 30 per cent. non-occupancy tenants who have come to regard occupancy tenure more suited to their needs, as it is heritable and as such allows them to make improvements on the land. I personally consider life-tenancy, if taken by itself, to be an advance over their present unsecured condition; but, taking the Bill as a whole, and taking the advantages and disadvantages to the class of tenants as a whole, I feel constrained to think that this measure is more in favour of zamindars than in favour of tenants. Originally it was intended to be in the interests of tenants, but ultimately the Bill as it has emerged from the drafting committee, while it proposes to confer life tenancies on non-occupancy tenants proposes to impose a number of disabilities on the tenants. When the Bill was published it was opposed by zamindars from a number of places and it was pointed out that the Bill was such that it did not deserve to be proceeded with,

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and various objections were raised. It was suggested that the Government should appoint another and more representative committee to revise this Bill. Later on they attacked it by pointing out that the Bill was contrary to the interests of the tenants as well. I agree that this Bill includes provisions to the prejudice of tenants. If honourable members have followed the proceedings of the meetings held by zamindars under the auspices of the Muzaffarnagar Zamindars' Association, they will find that they have in their resolutions pointed out that the Bill as drafted is injurious to the interests of the tenants as well as to the interests of the zamindars. Hon'ble Lala Sukhbir Singh Sahib . . .

Hon'ble the President : I would ask the honourable member to leave that alone.

Pandit Nanak Chand : I want to inquire from the honourable members as to who is responsible for these provisions which are on their own admission against the tenants. Is it the Government or the zamindars? If it is the Government, I am really very sorry for their attitude. If it is the zamindars who got these provisions incorporated in the Bill, then I say, Sir, that it is not fair to make those the ground for the rejection of the Bill. Our attitude ought not to be to wreck the Bill, but to proceed with the Bill and to make genuine endeavours to remove the defects in the interests of agricultural improvement, of uplifting the tenantry, of the creation of better and more stable relations between the zamindars and their tenants. I may be permitted to point out, Sir, that, while the Bill confers only two advantages on the tenants, firstly conferring life-tenancy on non-occupancy tenants with a succession for five years, which is disliked by zamindars as it will involve loss of control over their tenants and will check concealment of rents, which is often proved injurious to co-sharers in zamindaris and which is objected to by the tenants as likely to encourage nazrana, which leave tenants bankrupt at the beginning of their tenancy, and secondly improvements in succession to tenancies, which includes certain provisions which will engender litigation, it confers more than two advantages on the zamindars in addition to concessions they are getting in the case of settlements of revenue.

First, it extends the area of their *sir* though it will be detrimental to the interests of the tenants as it will limit the area which they could cultivate, but it has to be recognized that zamindars have a prior right to cultivate their lands, it is, therefore, necessary in the interests of genuine cultivating zamindars that it should be given to them.

Secondly, it is proposed to acquire occupancy lands under clause 40 for various purposes. I ask the Government and the zamindar members as to what compensating privilege or right they have given to the occupancy tenants when they propose to take away these occupancy lands. The occupancy tenants are bound to resent this curtailment of their rights which they have in some cases acquired or purchased at considerable price. The result of this provision regarding the acquisition of occupancy lands will

be that the position of occupancy tenant will become insecure. It will lead to blackmail by the unscrupulous section of zamindars, and it will lead to enormous litigation which will create bitterness among the tenants against zamindars as a class. It will produce uncertainty in the mind of the occupancy tenant which will hamper improvements on land. It will give an unfair advantage to the new purchasers of the land over old landlords by unduly raising the value of the land. This provision of acquisition of occupancy right has been incorporated on the analogy of section 30A of the Oudh Rent Act, but its scope is wider than section 30A of the Oudh Rent Act. That section was opposed on the floor of this House on the ground that it will lead to a number of abuses. What was then prophesied has come true and in this connexion I will only read two extracts from the revenue administration report for the years ending September, 1923 and 1924, respectively.

Hon'ble the President : I will advise the honourable member to reserve those quotations when the Bill comes for consideration.

Pandit Nanak Chand : I was going to quote the passages to give independent testimony in support of my opinion, as I think that if I stated anything without doing so the members may regard it as a mere fiction of my imagination. I think, Sir, that it will lead to the institution of *nazrana* and extortion of large amounts from the tenants by the unscrupulous section among the zamindars. It has been pointed out that the tenant whose land will be acquired will be paid compensation up to six times of his annual rental. I would ask the honourable members belonging to the zamindar party to tell me whether they consider this compensation to be adequate. If they consider it to be adequate, then are they prepared to allow the purchase of occupancy rights through courts at six times the rental of the land the basic rental being taken for lands of similar quality held by occupancy tenants. If they are not prepared, then I consider that I have conclusively established my point that the proposal to give them compensation up to six times the rental on the land is utterly inadequate.

Thirdly, the Bill makes provision for summary ejectments through the court of tahsildars without obtaining previously a decree for rent. This is at the best an illusory provision and it will not, I am afraid, help the zamindars to any extent whatsoever. If, and when the tenant comes to know that a notice of ejectment has been filed against him he will come to court and file some objection or other to make the case contested in order to gain time and to see that it is sent to the court of the sub-divisional officer to be tried as a suit, the result being that there will be frivolous and unnecessarily lengthy litigation. The case will have to be tried as a suit. In cases where the tenant does not get any information, the unscrupulous zamindar will abuse the provision of this clause and will use it as an instrument of oppression and it is likely that many tenants might be ejected behind their backs and without any notice or information.

Fourthly, there is the most injurious provision of roster system. I should like my zamindar friends not to fall into this trap which has been admirably laid by the Government. The Government want that the rents of occupancy tenants should be increased, but I may inform my zamindar friends that this is not done exclusively in their interests alone. The Government will doubtless have a share in the increased rents but the worst sufferers will be the tenants, whose interests the zamindars profess to have at heart.

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Fifthly, the Bill proposes to allow the acquisition of land for consolidation of individual holdings. To my mind, this will lead to an enormous litigation, because it will stimulate the desire of both zamindars and the tenants to have certain plots of land in the interest of their individual holdings. The best course would be to permit an exchange of land between the zamindars or the tenants or both by mutual consent. I am entirely in favour of consolidation of holdings if it is undertaken for entire villages or compact mahals. Sir, the Bill in effect proposes a gradual extinction of occupancy rights, which is a very serious matter, in addition to putting a stop to the accrual of occupancy rights in future which should not be done. Some occupancy tenants will in course of time be ejected for arrears of rent, some occupancy holdings will be vacated in the absence of any heirs to succeed them.

Then, Sir, in order to improve the credit of the tenants it is necessary to legalize the *zar-i-peshgi* leases for a limited term of years and better facilities should be allowed for division of holdings for joint tenancies, without making them uneconomic. Further, special facilities ought to be given to tenants to purchase such land as is offered for sale either by zamindars or by an order of the court. I have submitted these remarks, not in a spirit of hostility, but with a view to present the other side of the shield to the Council, and I trust my zamindar friends will take a broad view of affairs and will rise equal to the occasion, and treat the tenants rather generously. I am not only entirely in agreement with my zamindar friends, but anxious to improve the condition of small land holders who wish to cultivate their own lands. I would earnestly appeal to my zamindar colleagues, to rise equal to the occasion, to be generous to their tenants, to look to their ultimate and real interest as distinguished from the immediate temptations and to so amend the Bill in the select committee as to make it acceptable to their tenants, with whose well-being, contentment and prosperity their own well-being is so intimately concerned.

Babu Jai Narayan Chaudhri: Unlike my friends who have preceded me, I am not in favour of this Bill. My friends have criticized the policy underlying the Bill, and yet they have said that it be referred to the select committee. I submit, on the contrary, that the Bill be thrown out at this stage, and I proceed to give my reasons for taking this attitude. I oppose the Bill on several grounds. (1) It is not needed, (2) It is acceptable neither to tenants nor zamindars, (3) It proceeds on wrong lines, (4) It has failed to achieve the object it was meant to attain. Some of my friends have said that neither the zamindars nor the tenants have shown any anxiety for the revision of the present Tenancy Act, and still they recommend that the Bill be referred to a select committee. I do not understand this logic. I do not know if the tenants and the zamindars were ever asked if they were dissatisfied with the present Act. I do not mean to say that the present Act is very good, but what I mean to say is that they never showed dissatisfaction. A change in legislation, in my opinion, specially defining rights of people as between themselves should only be made when it is found absolutely necessary, otherwise it will lead to ruinous litigation. Then there is another point which I wish to bring to the notice of the Council, and it is this, that as soon as the Bill was published, the zamindars on one side and the tenants on the other held

meetings protesting against it and criticizing it. If the Bill is not acceptable to those for whose benefit it is meant, I do not see where is the necessity for it. The chief object of this Bill is said to be to remove certain defects in the present Act, for instance in the Bill reasonable fixity of tenure and freedom from excessive rents is assured to the tenants. As regards the former I would say that the latest report on the revenue administration shows that non-occupancy land is only 19·6 of the total land under cultivation. By fixity of tenure is meant to improve and increase the productive power of land. If I am right in what I say, I would like to know from the Government how far the productive power of land already protected has increased. If it has increased in any way, I would certainly admit that fixity of tenure is required to improve the productive power of land, that out of the whole cultivated area four-fifths is now protected area. In 1901-2 the protected area was 63·4 or something below 64. There has been a considerable increase in the protected area. There has been a considerable decrease in the non-occupancy area. Why should it not be left to take the natural course, and why should it not be left as it is, to the sweet will of the tenants and the zamindars? It is upon the mutual confidence and trust of the two parties that the whole area might gradually become a protected area.

Then my second point is that without mutual confidence and trust between zamindars and tenants you cannot improve the condition of the peasantry, you can never remove their poverty. If you force away from the hands of the zamindars a certain area of land and give it to tenants against the wishes of the zamindars, the zamindar will find out a hundred and one ways to tease the tenants, and not allow the tenants to sit peacefully and enjoy the fruits of that gift with tranquillity. They can only prosper and enjoy when you create mutual trust and mutual goodwill between the tenants and the zamindars. Is there anything in this Bill to create such mutual confidence and trust? I say—"No." I should be glad to hear from our friends who are in favour of this Bill whether there is anything like that in the Bill. It was rightly pointed out by the Hon'ble the Finance Member that unless the zamindars and tenants co-operate with each other, unless the zamindars and tenants think themselves as one body, the condition cannot improve. By forced legislation you can never make one to yield to the other. The courts are open; and litigation will go on, and they can never enjoy what you have given them by force.

My other reason for opposing this Bill is that the principle and the policy underlying this Bill is not correct. Every agrarian problem involves three parties, the State, the zamindar and the tenant. So far as the zamindars and the tenants are concerned, you may define their rights, but as long as you do not define the rights between the zamindar and the State, as long as you do not allow fixity and stability to zamindars against the State you cannot give fixity of tenure to the tenants. Will it be just and right to ask the zamindar to give fixity of tenure to tenants, while you do not give any stability to the zamindar, while the State is not prepared to give any fixity to the zamindar against the repeated settlements taking place every thirtieth year. The two things will go together. If you want fixity of tenure for the tenants, give some such assurance to the zamindar. If you want that they should not have enhanced excessive rents, give them the assurance that you

[Babu Jai Narayan Chaudhri.]

will not revise and enhance revenue at every settlement. So, before this problem is solved, before the relations between the zamindar and the State are settled, any legislation would be useless and futile. It is a wrong analogy that because such a Tenancy Act has been passed in Oudh and it has worked satisfactorily to some extent, it should be passed in Agra too. The conditions in Oudh differ from the conditions in Agra and there is no comparison between the two. Here in Oudh, so far as I know, I am speaking subject to correction, there was only about 2 or 3 per cent. protected area before that Act was passed, while in Agra it is at present over 80 per cent. protected area. There is no comparison between Oudh and Agra.

For these reasons I would request the House to throw out this Bill. They should not give their support to the sending of the Bill to the select committee, because it is not needed, it is not acceptable, it does not achieve the object for which it was meant and cannot do any good, either to the tenants or the zamindars.

Bai Bahadur Thakur Hanuman Singh : I rise to make a few comments on the Bill which is under discussion. At the outset I desire to say that the prosperity of the agricultural classes depends on fixity of tenure and fair rent. The Bill under discussion has attempted to give this fixity and fair rent to some extent. Therefore it is not a measure of legislation which should be thrown out. It goes without saying that the prosperity of the landlords depends upon the prosperity of their tenantry. The zamindar members here are to represent the landlords as well as the tenants and other people, and it is the just duty of the zamindars to protect the interest of both. I am of opinion that no member of this Council should be either pro-landlord or pro-tenant. Landlords have in olden times been the natural guardians, guides and philosophers of their people and it is high time that they should think how their ancestors treated their people in days gone by. In other countries where landlords did not take care of their tenantry they were in course of time wiped out. It is not improbable that the landlords of our country might meet the same fate after a time if they will not try to better their lot.

With these few remarks I desire to proceed to other questions. I would first of all take the question which may be called sentimental but sentiment rules the world. The zamindars are very anxious that the word "landlord" in the Tenancy Bill should be substituted for the word "landholder." In the Tenancy Act before the Act of 1901 for the word "zamindar" the word "landlord" was used. In other provinces the word "landlord" is used for them, and I am glad to find that the Hon'ble Mr. Lane in his note has also used the word "landlord." He has anticipated our desire and has been pleased to help us on. During the Hindu time these landlords were called "bhopats" and "mahipats" which mean "landlord," so the same sentiment has come down to us and still exists in us. Therefore the Government will be pleased in this connexion to accede to our wishes.

I now pass on to the acquirement of *sir* rights. This is a very important question and cannot be explained in a brief speech in this House. It affects the landlords as well as the tenants. Section 4 of the Act defines the term "*sir* land" and in the proviso it is mentioned that if the cultivated area of a zamindar be 38 acres then he can have a *sir* to the extent of 50 per cent., and so on. Sir, the framers of the Bill have not taken into

consideration the conditions of petty zamindars, a very large number of whom do not possess more than 3 or 4 bighas of land. If out of that 4 bighas some land be taken away from them, I think their means of livelihood will be snatched away from them. The framers of the Bill have not also taken into consideration that the proportion of *sir* land should differ very vastly in the case of petty zamindars from that in the case of big zamindars. Big landlords seldom cultivate their land and so they do not necessarily require any *sir* land, but petty zamindars cannot live without *sir* land. I therefore throw out this suggestion for the consideration of the Select Committee, and I hope the representatives of this Council, who will sit on that committee, will give their best attention and consideration to this question, which is of vital importance, especially to petty landlords.

Then, Sir, life tenancy does no doubt give more fixity of tenure to the tenant, but the general opinion of the tenants outside is that that is not enough. Nothing short of occupancy tenancy should be conferred on them. At this stage the question of the conferment of swaraj on India and working of the reforms comes to my mind and I would say that what is given to the tenants should be cheerfully accepted and there will be a time when they will get better fixity of tenure in the land which will satisfy them. The landlords' ideas are gradually being liberalized and I hope that in course of time they will be liberal enough to give their tenants occupancy rights, so that they may live happily and pay rent in time.

Sir, a new principle has been introduced in the Bill with regard to fixed-rate tenants in the permanently settled districts. Up till now a fixed-rate tenant has a right to inherit and to transfer a holding. This right has not been snatched away, but a principle most injurious to their interest and based on no just grounds has been introduced in the Bill and it is to the effect that a sub-tenant of the fixed-rate tenant may acquire occupancy or statutory rights in his holding. This is a novel principle which has been introduced in this Bill. I think the Select Committee will fully consider this point, so that the rights of the fixed-rate tenants be not taken away.

Then it is said, Sir, that when this Bill will become law, litigation will decrease. I have got very great doubts about it, because the acquisition of land by the landlord from the tenant and by the tenant from the landlord and between tenants and tenants will prove a source of very great litigation. In Oudh the landlords are generally big landlords so they do not trouble much about seizing land from the tenants for their own purposes because they have got enough land and they feel satisfied. But in the Agra province, where the landlords are petty zamindars and live in co-parcenary mahals, they will do their best to acquire the tenant's land. Any amount of litigation, if the Bill becomes law, will spring up and feelings between the landlords and tenants will get worse than they are at present.

The section about the conferment of occupancy rights on the tenant, who may either get the consent of the landlord or please him by paying certain premium, is a section which should be accepted both by the landlords and the tenants, and I think it will be very very helpful to those landlords who may happen to be in debt, because by conferring occupancy rights on non occupancy or statutory tenants they will get money to pay off their debts which will be very helpful to them

[Rai Bahadur Thakur Hanuman Singh.]

Even before this such rights were conferred, but they were not considered legal and it is good that they should be legalized. Sir, the compensation, which has been fixed in the Bill on the acquisition of certain lands, to the tenant is very poor. Six times the annual rent is no compensation to a tenant whose land will be taken away under the orders of the court. To take away a man's means of livelihood and pay him a few rupees is simply preposterous. Compensation should be such as would enable the tenant to buy occupancy or statutory rights in nearly the same area of land for his maintenance.

Then, Sir, before this in the Act of 1901 there has been no section that a tenant-in-chief should sue his sub-tenant for ejectment. Though the spirit of the law is that, but there was no section to that effect. This Bill provides a section that the tenants-in-chief cannot eject their sub-tenant without a suit. This will increase the amount of litigation, which will be injurious both to the tenant-in-chief and to the sub-tenants. It would have been much better if the framers of the Bill would have left this question as it is at present because there is no demand that such a section should necessarily find place in the Bill or in the Act.

Then I come to section 40. The land acquired for farming and private cultivation of the zamindar should after ten years of the acquisition be considered to be the *sir* land of the zamindar. So in calculating the proportion of the *sir* land and other lands these lands which may be under the cultivation of the zamindars should also be taken into consideration.

Hon'ble the President: How long does the honourable member propose to take?

Rai Bahadur Thakur Hanuman Singh: Only three minutes, Sir.

Section 36 provides that when a tenant becomes owner of the patti or of the mahal in which his tenancy lies, his tenancy would extinguish. I would say that in such a case the law should provide that the land which he held as occupancy tenancy should become his *sir* land. Then, Sir, the devolution of right after the death of a tenant under the present Act was not sufficiently liberal, and it was a source of hardship to the heirs of the deceased tenant. The provisions made in the Bill are very very liberal, and I think the landlords should not grudge the law providing the accrual of rights to the heirs of the deceased tenant. It can be simplified with a view to avoid litigation. As my friend from Muzaffarnagar has remarked, the phrase "dependent upon" is a phrase which gives rise to numerous suits and may prove very injurious to the interests of both the landlords and the tenants.

In conclusion I would say one word and resume my seat. It is this that the period for the enhancement of the rent of the tenants should be extended because the landlords are getting an extended period for their settlement. They should, therefore, concede to their tenants a longer term for the enhancement of their rents.

At this stage the Council adjourned for lunch.

After the recess, the Deputy President took the chair.

Rai Bahadur Babu Vikramajit Singh: I do not agree with those honourable members who think that there is no need of a fresh legislation and who think that this Bill ought never to have been brought before the House. I think, Sir, that the old Act has become now out of

date and it has to be changed like an old garment. If you were to look at the former history you will find that the Act of 1859 was changed 14 years after, the Act of 1873 was changed only eight years after, and the Act of 1881 was changed 20 years after. Now 25 years have elapsed, and the time has certainly come when the old Act has to be changed, so that it will not do to throw out the Bill, as it is admitted on all hands generally that a change is needed. Now, with reference to myself I will make my position from the very outset absolutely clear. I do not profess either to be a pro-zamindar or a pro-tenant, and I do not think it is the business of the Legislature to be pro-zamindar or pro-tenant. They must take a very calm and dispassionate view of the whole thing and evolve an Act which would be acceptable or which would at any rate be an improvement on the present Act. The Legislature's business is to keep the balance even and to keep the whole thing in an equilibrium. The question is whether the present Bill which has been introduced by the Government in the first instance is or is not an improvement, and secondly, whether and on what lines any further improvement could be had before the select committee. I have considered the provisions of the Bill very carefully and compared them with the Act, and in my opinion the Bill undoubtedly is an improvement. It undoubtedly improves the condition of the tenants from what it is under the present Act. I would not call it a measure which is a pro-zamindar measure. I would really call it a measure which tries to improve the condition of the tenantry at present. It is admitted that the tenants are in a very bad condition—they are ill-housed, they are ill-fed, they are ill-clothed and their position has to be improved. There are also petty zamindars who exactly sail in the same boat as the tenants, and any attempt by the Government to improve the condition of the tenants as well as the petty zamindars, I think, would deserve commendation. The Government has brought the Bill, I should say, with the best of its intentions and has tried to improve the condition of the tenants. Of course it has to be seen, and mostly it lies in the womb of futurity as to how far the present Bill, if it is turned into law, will improve the condition of the peasantry and the tenantry. I must confess that the giving of a life tenancy with five years rights after the death of a tenant is a great sacrifice which the zamindars have made. There should be no doubt about it. Over their right to eject a man in one or two years or whenever they like the grant of a life tenancy which keeps a man secure for 20 or 25 years is undoubtedly an improvement, and it may also be conceded that it will in a way decrease immensely the present litigation. You have every year a very large number of suits of ejectment, but if the life-tenancy is given, that of course ensures them for at least 20 or 25 years and the suits for ejectment will disappear. The tenants will not be ejected for a particular number of years, so it can never be said that it is not in the interests of reducing litigation that this Bill is passed. But we might consider the Bill in its various aspects. The tenants certainly consider that if they could get better rights they would have a fixity of tenure, i.e., if they become occupancy tenants, they will certainly be in a better position than they can be as statutory tenants under the present Bill. While on the other hand the zamindars have a grievance that their right to eject every year or second year has been taken away, and now it is only after 20 or 25 years that they will be able to eject them, and thus their authority in the villages will be diminished. As a matter of fact tenants will not care much for zamindars

[Rai Bahadur Babu Vikramajit Singh.]

now they cannot touch them for 20 or 25 years. And we find in the Bill that in order to counterbalance this loss which the zamindars are suffering, the definition of *sir* has been changed and section 40 has been enacted. So far as liberalizing the definition of *sir* under clause 4 goes, I have no quarrel with it. I think they are entitled to have a sufficient area of *sir* land. After all they have a right to cultivate as much of their lands as they like; but, so far as the provisions of section 40 go I think, Sir, that that section might act in a mischievous way in some cases. In many cases it might lead to a lot of litigation and it might also give a handle sometimes to a zamindar to oppress a particular tenant if he so chooses. What I consider would be very reasonable would be that if you were to enact section 40 and keep it, you might keep it only for the statutory tenants to affect the rights which you are giving, under the new Bill; but to keep it for the occupancy tenants and exproprietary tenants will not be fair because, after all, under the Act they already have occupancy rights and exproprietary rights, and neither the Government nor the zamindar wish to curtail those rights which the retention of section 40 in this shape will mean. The intention of the Bill is really to improve their condition, and if you were to keep it in this form it will be a sort of menace against the occupancy tenants and exproprietary tenants always. They will consider their tenancy to be always in jeopardy as you can take it away from them under certain circumstances, and I think this will not be equitable. But if you keep those provisions to affect merely the life tenancy which you are giving them by the new Bill it will not be unfair, because as a matter of fact you are giving them one concession for a certain number of years, and if you give them a concession and deprive them of a portion of it that cannot be considered unjust or inequitable. So that I make these observations for the consideration of the select committee in considering section 40 whether they would like to improve it on these lines, because the whole idea is to diminish litigation, not to allow the zamindar and tenant to involve themselves in ruinous litigation, and if the provision is kept as it is, it might have that danger. There is one other consideration which I wish to place before the House and the members of the select committee. The select committee might consider it for what it is worth. I find that there are something like six lakhs of zamindars who pay Government a revenue only of Rs. 100 or under that sum. They are in as good or as bad a condition as an ordinary tenant is. While the other zamindars, about 95,000 in number, are in a better position. I would rather like no accrual of occupancy rights in the area of zamindars paying under Rs. 100, and occupancy rights should accrue in those areas where zamindars pay a revenue to Government of over Rs. 100. After all their position is very small and they are to be sympathised with and helped in the same manner as you would sympathize with a tenant or help him. Therefore if you can evolve some such system that you allow accrual of occupancy right in the area of the big zamindars and do not allow an accrual of occupancy rights in the areas held by the smaller zamindars, probably with certain modifications, this arrangement might prove more acceptable and equitable. Another point which has to be considered in this connexion is that every zamindar would like to have some *sir* land and a lot of artificial definitions have been composed in order to create *sir* rights. Why not reserve, say, 25 per cent, of their area as *sir* land? No occupancy rights should accrue in that area, but the rights should accrue in the

other 75 per cent. I put forward this as an alternative to the life tenancy proposal which has been put forward in the Bill, whether a proposal like that would or would not be generally acceptable to the zamindars and tenants, and I leave it to the pro-zamindars and pro-tenants to work it out, but I place it merely as a suggestion, as in my opinion the condition of both the petty zamindars and the tenants ought to be equally improved. The condition generally of the tenants can only be improved if the bigger zamindars make a sacrifice and give away something from their existing rights. It is no use preaching long sermons and saying that we are very friendly and harmonious and we will settle our own differences, we will adjust them—that is impossible. It is only the Legislature that can settle these things. You will find nowhere the zamindars and tenants sitting together to settle their differences about such important rights. They may be on very good terms, but this is a question of rights which, I submit, everyone values. The zamindar values his rights and the tenants value their rights—everyone stands for himself. The question is how to evolve a system which will help both, without on the one hand sacrificing very largely the interests of the zamindars, while on the other hand improving the position of the tenants by asking the zamindars to make certain concessions in favour of the tenants. These are the proposals which should be considered and weighed calmly and dispassionately both by the select committee and by members of this House in order to see that both parties may be satisfied. Rai Sahib Jagdish Prasad has said that with the present Bill neither party is satisfied. He says the tenants are not satisfied because they have not got as much as they want. And the zamindars are not satisfied because they have to give up more than they want to give up. There is great force in that argument, but the question is that you have to evolve a system in which everybody may not be contented or satisfied, but the majority of them, or at any rate the right-thinking people, ought to be satisfied. Therefore I would ask that the select committee might consider and modify the provisions of section 40. It may also consider if it cannot change certain principles which are embodied in the Bill in such a way that may be considered as suitable and more acceptable giving to the zamindar his right in a certain area and at the same time giving to the tenant occupancy rights in certain other areas, because I feel that, although the life tenancy gives him fixity of tenure for 20 or 25 years, but when he finds that at one time his tenancy may go out of his hands, he may not make improvements by investing his money in the land and the value of the land agriculturally will not rise. So he will certainly be more contented if he gets occupancy tenancy. It will be very hard to think that the zamindar would like that in every bit of his land occupancy right should be given to the tenants. It will be all very well for the tenants, but you have got to look also to the other side and consider the rights of the zamindars. Therefore I was suggesting that while the petty zamindars may remain where they are, while no occupancy rights may accrue in their area, the bigger zamindars, who can afford to be more generous may allow the tenants to have occupancy rights in a certain area, the other portion being reserved for themselves. That will do away with the artificial definition of *sir*; that will also do away with section 40 which is intended to be used for certain purposes only. But whenever a zamindar thinks that he has not got sufficient land he may attempt to get it from occupancy tenants or from some other class of tenants for his purposes.

[Rai Bahadur Babu Vikramajit Singh.]

There is only one other point which I would like to place before the House and which I find has not been touched upon by any member so far, viz., the question of right of appeal under the Bill. It appears that the intention of the framers of the Bill is that the right of appeal should be curtailed, and with that object certain modifications have been made; but in my humble opinion they do not go far enough. What I would suggest is that the decision of the tahsildar ought to be made appealable to the Assistant Collector. Whether he is a Sub-divisional Officer or a senior Assistant Collector, his position is not inferior to that of a subordinate judge on the civil side. The subordinate judge hears appeals from the decisions of the munsif; but the senior Assistant Collector could not hear appeals from the decisions of the tahsildar! Why should the Collector be burdened with hearing appeals from the decisions of tahsildars? The second point I would lay before the House is this. So far as the decisions of Assistant Collectors go, they ought to be made appealable to the Collectors. I find that at present the Collectors in many places have got a very easy time, because they give two or three days a week to attend court giving two or three hours each day; while in former days they used to attend court from 11 to 4 or from 10 to daily. I do not think that questions have become now more complex than they used to be.

Deputy President : The honourable member's time is up.

Rai Bahadur Babu Vikramajit Singh : Only three minutes, Sir. I do think that most of their time is spent by idle people who carry tales and waste the time of the Collectors and waste the time of the other people and poison the ears of the Collectors against them. That evil will be minimized and the Collectors will have sufficient time to give to hearing appeals from the decisions of Assistant Collectors. Second appeals from the decisions of the Collectors should go to the Board of Revenue; there is no need of intermediate appeals to the Commissioners. If some Commissioners have to remain, then the second appeals from the decisions of tahsildars may go before the Commissioners, whose decisions should be final. We should not have more than two appeals—appeal to the Assistant Collector and then to the Commissioner, or appeal to the Collector and then to the Board of Revenue. We need not have three appeals as we have now. In this way we can curtail a very large number of appeals and thus reduce litigation to a great extent.

With these words I support the motion that the Bill be referred to a select committee.

Rao Sahib Abdul Hameed Khan :

جناب والا —

جو مختلف مشکلات نزاکتیں اور الجھنیں قانون اراضی بنانے میں ہوتی ہیں میرے خیال میں وہ محتاج بیان نہیں ہیں اراضی کے متعلق جو قوانین اب تک بنائے گئے ہیں میں ان قوانین کی پچھلی تاریخ کے متعلق کچھ عرض کروں گا ہمیں غور کرنا چاہیئے کہ آخر اس کی کیا وجہ ہے کہ ایک قانون اراضی کے بعد دوسرے قانون اراضی کی ضرورت کیوں ہوتی رہی ہے اور ایک قانون کے بننے کے بعد فوراً اُس کے غلط یا ناکافی ہونے کا احساس کیوں ہوا اور دوسرا قانون

کیوں بنانا پڑا بالکل اُس قسم کی صورت جو دوسرے ممالک پر نظر ڈالتے ہوئے میسر نہ تھیں میں اُنہی ہی وہ آئرلینڈ Ireland کی ہی جہاں پچھلی صدی میں اسی طرح جلد جلد قوانین اراضی تبدیل کرنے کی ضرورت محسوس ہوئی اور جس آخر مرحلہ پر یہ جلد و جلد ختم ہوئی وہ دہاں کے زمینداروں کا صفحہ ہستی سے حرف غلط کی طرح سے مٹا دینا چاہا تھا میں بدقسمتی سے یہی علامات اور آثار اِس صوبہ میں بھی محسوس کر رہا ہوں - شعور

آنکھ جو کچھ دیکھتی ہی لب پہ آسکتا نہیں
مستحو حیوت ہوں کہ دنیا کیا ہے کیا ہو جائیگی

سنہ ۱۸۵۹ء کے بعد سے اِس وقت تک یہ پانچواں حملہ زمینداروں کے خاتمہ کے لیئے کیا گیا ہے سنہ ۱۸۵۹ء میں سب سے پہلی مرتبہ قانون اراضی معرض ظہور میں آیا اور اُس کے بعد سنہ ۱۸۷۳ء و سنہ ۱۸۸۱ء و سنہ ۱۹۰۱ء میں مختلف ایکٹ بناائے گئے اِس طرح پچھلے چھیانوے سال کے عرصہ میں یہ پانچواں مسودہ ہی جو قانون کی صورت میں اختیار کرنے کو ہی نظر ہوا اِس یہ معلوم ہوا کہ ہر تیرہویں سال ایک حملہ کی ضرورت محسوس ہوتی رہی ہے اور ہر قانون جو بنایا جاتا ہے وہ ہر تیرہویں سال تین تیرہ ہوجاتا ہے *

جناب والا - آپ کی اجازت سے میں یہ عرض کرنا چاہتا ہوں کہ کیا یہ انسب نہ ہوتا کہ قبل اِس کے کہ ہماری گورنمنٹ اِس مرتبہ کسی خاص قانون کے بنانے کے متعلق غور کرتی یا آخری طور پر یہ طے کرے کہ ہمیں ایک اور قانون کے بنانے کی ضرورت ہے ایک بڑے پیمانے پر اِس مسئلہ کی تحقیقات کر لی جاتی کہ پچھلے چھیانوے سال میں جس خاص ڈائکشن یا طرز میں ہم لوگوں نے کام کیا ہے اور جو علاج اِن تمام مصائب و مشکلات کا ہم نے اپنے ذہن میں سوچا ہوا ہے وہ یقیناً قطعی صحیح ہی ہے یا نہیں لیکن بدقسمتی سے ایسا نہیں کیا گیا بلکہ پچھلے چار دفعہ جس طریقہ کا ناکامیابی کے ساتھ تجربہ کیا جا چکا ہے اُس کو پانچویں مرتبہ دہرانے کا مصمم ارادہ کر لیا گیا اور آزمودہ را آزمودن خطاست کا اصول نظر انداز کر دیا گیا - کہتے ہیں کہ تیمور نے ایک چیونٹی کو بارہا ایک دیوار پر چڑھنے کی ناکام کوشش کے بعد آخر چڑھ جاتے ہوئے دیکھ کر خاص ہمت اور حوصلہ حاصل کیا تھا - لیکن چیونٹی کے تجربہ سے مستفیض ہونا اور بات ہے اور سیکڑوں اور ہزاروں آدمیوں کی جان عزت اور مال کو خطرہ میں ڈال کر تجربہ کرنا ایک دل ہلا دینے والا ظلم اور ستم ہے *

جناب والا - میرا ایمان اور عقیدہ یہ ہے کہ کاشتکاران اور زمینداران کے تعلقات کو جس قدر قانونی شکنجے میں جکڑنے کی کوشش کی جائیگی اور جس قدر ایک فریق کو دوسرے فریق کے بیچا تہ بانی کرنے پر زبردستی مجبور کیا جائیگا اُسی قدر بد مزگی تلخی اور دقت پیدا ہوگی میں جو کچھ اِس وقت عرض کر رہا ہوں یہ بظاہر ایک فلسفیانہ خیال سمجھا جاسکتا ہے لیکن اگر اِس کی عملی مثال دیکھنا منظور ہے تو پنجاب کا صوبہ اور ممالک متوسط کا صوبہ موجود

ہی وہاں پر کبھی کوئی کوشش کاشتکاروں کو حقوق دخیلکاری یا سرورثی دلانے کے لیئے نہیں کی گئی اور وہاں پر زمینداران و کاشتکاران کے تعلقات ہمارے صوبہ سے بدرجہا بہتر اور صحیح معنوں میں قابل رشک ہیں۔ اس سے بھی بڑی مثال خود انگلستان موجود ہے۔ ہم اس سے بھی زیادہ جلدی تباہ اور برباد کیئے جاسکتے ہیں اگر ہندو اور مسلمانوں کے تعلقات کو خوش آئند بنانے کی کوشش بذریعہ قانون شروع کردی جائے *

جناب والا — جس مصیبت میں ہم اس وقت گرفتار ہیں اور جس مصیبت سے متاثر ہو کر گورنمنٹ کو بار بار پیچیدگی کے ساتھ اپنے طرز عمل میں کوئی تبدیلی کرنے کا خیال پیدا ہوتا ہے یہ ایک صورت جنگ ہے جو زمینداروں اور کاشتکاروں میں حق دخیلکاری کے باعث Struggle for Supremacy (سعی فضیلت) کے طور پر جاری ہو گئی ہے۔ زمیندار اپنے مالکانہ حقوق پر نازاں ہیں اور کاشتکار قانون نافذالوقت کی پشت دینا ہی کے باعث مغرور اور متعصب ہیں یہی عرض کرنا چاہتا ہوں کہ کاشتکاروں کے متعلق جیسا میسرے بعض زمیندار دوستوں نے فرمایا ہے کہ کاشتکاروں کی بہبودی پر ہماری بہبودی کا انحصار ہے میں بالکل ان کا ہم خیال ہوں اور سمجھتا ہوں کہ ہماری فلاح و بہبود ہمارے کاشتکاروں کی فلاح و بہبود پر منحصر ہے بلکہ سمجھتا ہوں کہ زمیندار اور کاشتکار دونوں کی فلاح ایک دوسرے پر منحصر ہے لیکن ہاں ہمہ میں کاشتکاروں کے خون ساختہ نام نہاد ہمدرد اور وکیلوں کی ان کوششوں کو نفرت کی نگاہ سے دیکھتا ہوں جو وہ کاشتکاروں کی ہمدردی کے نام سے زمینداروں کی تباہی اور ہلاکت کے لیئے کرتے رہے ہیں میں گورنمنٹ سے اور اپنے دوسرے اہل ملک سے نہایت ادب کے ساتھ ملحق و ملتصق ہوں کہ خدا کے لیئے گوشت سے ناخن کو جدا کرنے کی کوشش ترک کیجیے۔ بھائی اپنے بھائی کو نہ لڑائیئے اگر کاشتکاروں کی فلاح منظور ہے تو سب سے پہلے سود کا اور ظالم مہاجدوں کا ٹکڑا کیجیئے سمجھتے ہیں شکایت گورنمنٹ سے بھی ہے کہ اس نے آج تک ہمیں اور ہمارے کاشتکاروں کو ایک سمجھتے کہ کسی مسئلہ پر غور نہیں کیا بلکہ پہلے ہی یہی فرض کر لیا گیا ہے کہ نہ صرف یہ دو فریق ہیں بلکہ ایک دوسرے کے دشمن ہیں ان میں سے اور ایک کی بقا دوسرے کی فنا پر منحصر ہے اور بدقسمتی سے اب تک اسی اصول کی روشنی اور تحت میں یہ تواریف بنائے گئے ہیں *

جناب والا — یہ ایک شکایت تو سمجھتے کاشتکاروں کے دلا اور گورنمنٹ دونوں سے تھی اور ہے اب اس کے بعد قبل اس کے کہ میں کسی خاص دفعہ یا قاعدہ کے متعلق کچھ عرض کروں "ایک صاف اور کھری باتیں گورنمنٹ سے اس سلسلہ میں اور عرض کرنا چاہتا ہوں کیونکہ میرا خیال ہے کہ بہت ہی خاص اور اہم باتیں اس وقت کرنا چاہئیں اور غیر اہم باتیں سیلکٹ کمیٹی کے لیئے چھوڑ دینا چاہئیں سب سے پہلے میں گورنمنٹ کو یہ یاد دلانے کی جرات کرتا کہ گورنمنٹ نے سنہ ۱۹۰۱ء میں وہ (Law) قانون کس منشاء اور غرض سے نافذ کیا تھا اور اس غرض یا مقصد کے حصول کے لیئے کیا تدابیر اس میں تعبیر کی گئی تھیں اور آخر ہمیں اس تجربہ میں کیا ناکامی ہوئی۔ جناب والا اس قانون کا مقصد دھپ پٹا

کیا تھا جو موجودہ مسودہ کا بتلایا جاتا ہے یعنی کاشتکار کی مدت میعاد کا تینوں - اس مقصد کے حصول کے لیے دو صورتیں تجویز کی گئی تھیں ایک تو یہ کہ بارہ سال مسلسل کاشت کے بعد کاشتکار کو حق دخیلکاری حاصل ہو جانا اور دوسرا سات سالہ قبولیت یا پتہ - پہلی تدبیر کی مثال تو وہی تھی کہ چور سے کہا گیا کہ چوری کر اور مالک مکان کو خبردار کیا گیا کہ دیکھنا چور آنے والے ہیں لیکن باوجود اس ستم ظریفی کے سنہ ۱۹۰۳ء سے سنہ ۱۹۲۲ء تک کے مختصر عرصہ میں ایک کروڑ بائیس لاکھ ستانوے ہزار چھ سو ساٹھ بیگہ خام رقبہ پر حق دخیلکار حاصل ہوا - یعنی بیس سال میں ۱۴ فیصدی زمین پر مستقل حق موروثیت ہو گیا - مگر ہماری مہربان و مشفق گورنمنٹ کی تشنہ کامی ملاحظہ ہو کہ کیا جاتا ہے کہ اس مقصد میں خاطر خواہ کامیابی نہ ہوئی - دوسری تدبیر سات سالہ قبولیت تھی جو دیدہ و دانستہ لازمی نہیں رکھی گئی اور پھر دفعہ ۷۶ نے اس کو قطعی ناممکن کر دیا لیکن باوجود ان سب نقائص کے جو پچھلے تجربہ کی ناکامی کا باعث کہہ جاسکتے ہیں گورنمنٹ کا شوق انون سازی دیکھنے کے نہ زمیندار صرف شکایت سب پر لاتا ہے اور نہ کاشتکار فر یا دی ہے لیکن ہماری گورنمنٹ ایک بالکل نئے قانون کا مسودہ لیکر حاضر ہے - اگر پچھلے قانون کے سقم اور نقائص کا ازالہ کیا جاتا تو بھی ایک بات ہو سکتی تھی لیکن یہ کچھ نہیں بلکہ ایک قطعی نیا مسودہ جن کا پچھلے قانون سے کوئی سروکار ہی نہیں پیش کیا جاتا ہے اس موقع پر گورنمنٹ کا رویہ وہی ہونا چاہیئے تھا جو حضرت عیسیٰ علیہ السلام یا جی سس کرائسٹ نے اپنا مشن یا مقصد مبعوثیت بتلایا تھا - ان سے جب یہ دریافت کیا گیا کہ وہ پچھلے فیڈوں کے اور ان کی لائی ہوئی کتابوں کے متعلق کیا کہتے ہیں - تو انہوں نے جواب دیا کہ میں تمزید کے لیے نہیں آیا ہوں بلکہ تعمیر کے لیے آیا ہوں یہ بالکل آسانی سے ممکن تھا کہ پچھلے قانون میں ضروری ترمیم کی جاتی سات سالہ پتہ کو اب لازمی کیا جاتا اور اس طرح اس پورانی تدبیر کا پورا پورا تجربہ کیا جاتا - مگر یہ خیال ہی کہ ہم سات سالہ پتہ کو لازمی کر دینے اور سات سالہ میعاد بندر جانے پر کاشتکار کی خود بخود بیدخلی کا انتظام کر دینے سے ہی اپنے مقصد میں کامیاب ہو سکتے ہیں ایک طرف کاشتکار کو تینوں میعاد نصیب ہو جاتا ہے دوسری طرف مقدمہ بازی کا سلسلہ یک قلم جاتا رہتا اور کاشتکار اور زمیندار کے تعلقات بہتر سے بہتر رہتے *

جناب والا - اس مسودہ کی جان اور روح وہ دفعہ ہی جس میں کاشتکاروں کے لیے حق حین حیاتی دیا جانا تجویز ہوا ہے - اگر حق حین حیاتی تمام مشکلات مصائب اور بد مزگیوں کے خاتمہ کا موجب ہو سکتا ہے تو واللہ چشم ما روشن دل ما شاد - لیکن میں تو یہ دیکھ رہا ہوں کہ زمیندار ناراض اور پریشانی ہیں کہ یہ ان کے جائز حق ملکیت میں قطعی ناجائز مداخلت ہے اور اس کے بعد وہ بار بار ہمیں اپنے قائم مقام یا نائب ہونے کی حیثیت سے ہدایت کرتے ہیں کہ ہم سب سے پہلے گورنمنٹ سے یہ گفتگو کریں کہ آخر اس زمین کا مالک کون ہے - ان کی طرح خود میں بھی چاہتا ہوں کہ یہ مسئلہ ایک مرتبہ صاف

کر لیا جائے اسی سلسلہ میں لینڈ ہولڈر اور لینڈ لارڈ کا مسئلہ بھی صاف ہو جائیگا۔ جناب والا! ہماری مہکڑی گورنمنٹ نے نہوڑے روز ہوئے ایک کمیٹی ”انڈین ٹیکسیشن انکوئری کمیٹی“ مقرر کی تھی۔ اُس نے قریب قریب تمام ہندوستان میں دورہ کیا اور تمام ہندوستان کے ہر خیال کے نمائندگان کی شہادتیں قلمبند کیں اُس کی رپورٹ اُس وقت میرے سامنے موجود تھی۔ اُس کمیٹی نے مالگڈاری ٹیکس ہی یا کرایہ (رینٹ) کے عنوان سے صفحہ ۶۰ پر ایک بحث چھیڑی ہے اور اسی بحث میں اُس نے اُس ملکیت اراضی کے مسئلہ کو پوری تفصیل کے ساتھ لیا ہے۔ اُس کمیٹی نے اُس بحث کے پانچ عنوان قائم کیے ہیں اور ہر ایک عنوان پر خوب بحث و مباحثہ کے بعد آخری فیصلہ صادر کیا ہے *

جناب والا — میں آپ کی اجازت سے اُس کا خلاصہ یا اختصار اُس موقع پر عرض کرنا چاہتا ہوں عنوان ہاے بحث یہہ ہیں:—

(۱) کیا کبھی سلطنت نے زمین کے بلا شرکت غیرے مالک ہونے کا دعویٰ کیا ہے۔

(الف) ہندو راجاؤں کے زمانہ میں۔

(ب) مسلمان بادشاہ ہونے کے عہد میں *

(۲) کیا سلطنت برطانیہ کو کوئی ایسا حق ورثہ میں ملا *

(۳) کیا سلطنت اُس وقت ایسی کسی زمین کی مالک ہے *

(الف) جو زمین زمینداروں کے پاس ہے۔

(ب) جو رعیت داری سسٹم کے زیر نکتہ ہے *

(۴) اگر سلطنت مالک نہیں ہے تو کیا زمیندار یا رعایا اپنی اپنی

جگہ مالگڈاری کم ادائیگی کی شرط کے ساتھ مالک ہیں *

(۵) مالگڈاری در اصل ٹیکس ہے یا کرایہ (رینٹ) *

قابل مہمبران کمیٹی نے عنوان نمبر ایک کے متعلق بلا اختلاف رائے متفقہ طور پر یہ فیصلہ کیا ہے کہ ہندو راجاؤں کے زمانہ اور مسلمان بادشاہوں کے عہد میں کبھی کسی حکومت نے زمین کے مالک ہونے کا دعویٰ نہیں کیا عنوان نمبر دو کے متعلق کسی قدر مشروط طور پر یہی فیصلہ ہے کہ سلطنت برطانیہ کو کوئی ایسا حق ورثہ میں نہیں ملا باقی عنوان نمبر تین اور چار کے متعلق کمیٹی میں اختلاف رائے رہا لیکن اُس بحث پر یہہ کہنے میں وہ سب متفق ہیں کہ جہاں کہیں ہندو بست استعماری ہے وہاں یقیناً زمیندار یا رعایا زمین کی مالک ہے لیکن جہاں عارضہ ہندو بست کی صورت ہے وہاں یہہ کہنا ذرا مشکل ہے لیکن تاہم وہ اُس پر متفق ہیں کہ بالعموم ایسی جگہوں پر یہی مالگڈاری کی ادائیگی کی شرط کے ساتھ زمیندار یا رعایا ہی مالک ہے *

علوان نمبر پانچ کے متعلق کمیٹی ”ٹیکس“ اور ”مالک“ کی تعریف پر متفق نہ ہو سکی لیکن ہاؤس ہوم کمیٹی کی رائے یہ ہے کہ مالکدار کی خواہ اتواری طور پر ٹیکس نہ ہو لیکن اجتماعی شکل میں ٹیکس ہی •

اس کے بعد یہ صاف ظاہر ہے کہ زمیندار کا حق ملکیت ہمیشہ ہر عہد میں تسلیم کیا گیا ہے اور وہ یقیناً لینڈ ہولڈر ہیں بلکہ صحیح معنوں میں لینڈ لورڈ ہے۔ گورنمنٹ کا کاشتکاروں کو حق حین حیاتی دلوانا اگر ہمارے حقوق ملکیت کو اپنے لیے حاصل کرنا نہیں کہا جاسکتا تو میں کہوں گا کہ یہ وہی صورت ہے نہ خود خورم نہ کسی راہم گندہ کم و سگ راہم - جناب والا - یہ تو بد نصیب زمینداروں کا نقطہ خیال تھا اب دوسرے فریق یعنی کاشتکاروں کے دنگلوں کا حال سنئیے آج کی تقاریر سے اور اس سے پہلی احکامات اور جلسوں کے ذریعہ سے ہمیں یہ بتلایا گیا ہے کہ حق حین حیاتی سے کاشتکاروں کا امتنان اور اطمینان حاصل نہیں ہو سکتا یہ لیجیٹیم مرعی اپنی جانی سے جائے اور کھانے والوں کو مزہ بھی نہ آئے - ایسی صورت میں کہ ہمارے حق ملکیت کو صدمہ پہنچتا ہو اور کاشتکاروں کے دنگلا بھی اس پر ناپسندیدگی کا اظہار کر رہے ہوں گوں زمیندار دیانت داری کے ساتھ اپنی جماعت کو یہ مشورہ دے سکتا ہے کہ وہ خواہ مخواہ یہ غیر ضروری فیاضی فہمائیں نقصان مایہ و شمانت ہمسایہ - اگر سیلکٹ کمیٹی میں یہ ضروری تہمیم نہ ہو سکے تو میں صاف صاف عرض کر دینا چاہتا ہوں ہم زمینداروں کے لیے یہ مسودہ ناقابل قبول ہوگا •

جناب والا - اگر حضور اجازت دیں تو میں اس موقع پر گورنمنٹ اور زمینداروں کے قدیم تعلقات اور گورنمنٹ کے موجودہ معاہدات طرز عمل کے متعلق بھی کچھ عرض کروں زمیندار من حیث الجماعت اور انفرادی طور پر دونوں طرح برطانوی گورنمنٹ کے اس ملک میں آنے کے بعد سے آج تک اس پر تن من دھن سے نثار اور قربان ہوتے رہے ہیں کسی ابتلا اور آزمائش کے وقت انہوں نے امداد اور اعانت میں دقیقہ اٹھا نہیں رکھا بلا مبالغہ جہاں گورنمنٹ کا پسینہ گرا وہاں زمینداروں نے اپنے خون کے دریا بہا دیئے مذہب کے احکام اور ملک کے فرائض کو گورنمنٹ کے مفاد کی خاطر ایک مرتبہ نہیں دسویں مرتبہ نظر انداز کر دیا لیکن ہم اپنی گورنمنٹ کے متعلق یہ عرض کرنے پر موجود ہیں کہ جو بات کی خدا کی قسم لاجواب کی - مخالفوں کی باتوں میں اگر دشمنوں سے گہرا کہ جب قبضہ شمشیر پر ہاتھ پڑا تو اینوں ہی کا کام تمام کیا اور اس بے زبان طبقہ زمینداران نے ہم مرتبہ بلا مبالغہ یہی کہا -

پر پر تیر چلا تجھے در کس کا ہے

سینہ کس کا ہے میری جان جگر کس کا ہے

آج ے ستم میں یہ اور اضافہ ہے کہ بلا وجہ ہی نہ کوئی مدعی ہے نہ مستفیہ نہ کوئی شاکہ ہے نہ فریادی لیکن ہماری گورنمنٹ اپنے خدس گذاروں اور وفا شعاروں کے قتل کا فتویٰ لیکر منظر عام پر جلوہ افروز ہے ابھی سو چار روز ہوئے کہ میرے ایک معزز پیشاوری دوست نے وہاں کے ایک نوجوان

سہدار کا قصہ سنایا کہ اپنی بیوی کو بدچلنی کا مرتکب ہوتے ہوئے دیکھ کر اُس کو اپنے مکان کی سب سے اونچی چھت پر لے گیا اور وہاں جا کر اُس نے اُس کے جسم یا گوشت کے ٹکڑے چیل اور کوؤں کو قال قال کہ اُس کی زندگی کا خاتمہ کیا۔ سنگدل کا دل بھی ناممکن ہی کہ یہ سُن کر متاثر نہ ہو لیکن میں عرض کرتا ہوں کہ اُس نے اپنی آنکھ سے اِس بدکار عورت کو بدچلنی کا مرتکب ہوتے دیکھا تھا یہ بھی آپ اُس کو سنگدل حیوان درندہ اور خدا جانے کیا کیا کہنے کو تیار ہونگے لیکن ذرا انصاف کیجئے اور سوچئیے کہ کیا ہماری مہربان اور مشفق نیکدل گورنمنٹ پچھلے چھیاسٹھ سال میں اپنے مخلص وفادار خدمتگذار طبقہ زمینداران کے ساتھ دھبی نہیں کرتی رہی جو اِس غضبناک جاہل ظالم پتھان نے اِس عورت کے ساتھ کیا۔ اُس کے ساتھ یہ ستم ظریفی اور یہ نمک پاشی بھی قابلِ دان ہی کہ ہماری وفا شعاری کا قدم پر اِعتراف کیا جاتا ہی اور ہر موقع پر باہمی دوستی کا اِقرار بھی ہوتا ہی۔ آپ نے ابھی چند منٹ ہوئے کہ اپنے آنکھوں سے اسی کونسل میں دیکھا ہی کہ ہمارے کرمفما آئبیل فائنانس میمبر نے کس خوبصورتی کے ساتھ ہنس ہنس کر قدیمی دوستی اور وفا شعاری کو مانتے ہوئے زم کا پیانا ہمارے بینے کے لیئے پیش کیا ہی اِس سلسلہ میں اور کچھ زیادہ عرض نہ کروں گا لیکن یہ کہ اِس گفتگو کو ختم کرنا چاہتا ہوں کہ ہماری تباہی اور بے باکی درحقیقت آگے چل کر موجودہ حکومت کے قنا اور خاتمہ پیش خیمہ ثابت ہوگی سچ کہا گیا ہی۔

جیتے جی قدر بشر کی نہیں ہوتی معلوم * یاد آئیگی میری تم کو وفا میرے بعد جناب والا — اب میں اپنے سوراہست اور لیبل بھائیوں کی خدمت میں یہ عرض کرنا چاہتا ہوں کہ کل مہاراجہ نابھ اور اُندور کے لیئے آپ کی آنہوں میں آنسو اور آپ کی لبوں پر آہ تھی لیکن آج جبکہ ایک دہ افراد کو نہیں بلکہ ایک بڑی جماعت کو اُس کے جائز حقوق سے محروم کیا جاتا ہی تو آپ مطمئن اور خوش و خرم نظر آتے ہیں یہ یاد رکھیئے کہ زمیندار متخلاق ہونے کی حیثیت سے عیوب سے پاک نہ تھے لیکن یہ دھبی زمیندار ہیں جس کے دم سے اِس ملک میں ہزاروں نہیں بلکہ لاکھوں وفاء عام کے کام جاری نہیں یہ دھبی زمیندار ہیں جو دیہات میں دیہاتیوں کی طرح سے رہ کر دیہات کے باشندگان کے غم اور خوشی میں شریک ہوئے ہیں یہ دھبی زمیندار ہیں جو اِس صوبہ کی اسی فیصدی آبادی کے صحیح معنوں میں رہنما اور لیڈر کہے جاسکتے ہیں کیا آپ اُن کو اِس قابل سمجھتے ہیں کہ فنا کر دیئے جائیں اور کیا آپ ایک تیسری قوت کو یہ اجازت دیتے کہ وہ اپ کے اُن ہزاران وطن کو آپ کی آنکھوں کے سامنے فنا کر دیں •

حضور والا — اب اِس کے بعد میں اپنے زمیندار بھائیوں سے یہ عرض کرونگا کہ خواہ گورنمنٹ نے ہماری خدمات کا صلہ کس صورت میں دیا ہو ہمارے سوراہست اور لیبل بھائی ہمیں کچھ ہی کہیں مگر ہمیں اپنا توازن دماغی صحیح رکھنا چاہیئے اور اِس اشتغال سے متاثر ہو کر اپنے کاشتکاروں کے ساتھ مہربانی اور عنایتیں کرتے رہنے سے باز نہ آنا چاہیئے کاشتکار ہماری اولاد کاشتکار

ہمارے ہاتھ پاؤں ہیں ہمارا فرض ہی کہ ہم اُن کے ساتھ ایسی فیاضی کا سلوک کریں کہ جو ایک ایشیائی توں ہوتے ہوئے ہمارے اور ہماری موروثوں کے شایاں شان ہو۔ ہم کو اپنی اور اپنے ملک کی خاطر اپنی اس فوج کو دشمنوں کے قبضہ اور ہاتھ میں نہ جانے دینا چاہیئے *

حضور والا — اب میں اختصار کے ساتھ اس بل کی مختلف باتوں کے متعلق کچھ عرض کرنا چاہتا ہوں۔ سیلکٹ کمیٹی کے معزز ممبر صاحبان کو سب سے زیادہ اس پہ خیال اور توجہ کرنے کی ضرورت ہے کہ کیسے چھوٹے اور بڑے زمینداران کے درمیان کوئی مستقل فرق (definite line) قائم کیا جائے یہی ظاہر ہے کہ گورنمنٹ نے موجودہ مسودہ کے ذریعہ سے چھوٹے زمینداروں کو بھی جو سو سے کم روپیہ مالگذازی ادا کرتے ہیں اور جن کی تعداد ۸۶½ فیصدی ہے یا ان غریب نام نہاد زمینداروں کو جن کی تعداد چھپن فیصدی ہے اور جو صرف چوبیس روپیہ کے مالگذاز ہیں اُن لوگوں کے ساتھ جو دس دس یا بیس بیس ہزار مالگذازی ادا کرتے ہیں شاید اس لینے ایک ہی کشتی میں سوار کر دیا ہے کہ وہ بھی کسی وسطی موقع پر اُن کے ساتھ سمندر میں غرق کر دیئے جائیں۔ جو صاحبان غریب اور افلاس کا نام لیکے کاشتکاروں کے لینے حقوق مانگتے ہیں اُن کے لینے یہ ایک اور موقع امداد اور اعانت کا ہے۔ اس کے بعد میں عرض کردونگا کہ مختلف دفعات پر یہاں بحث کرنا غیر ضروری ہے یہ کام سیلکٹ کمیٹی کا ہے لیکن مختصراً میں چند دفعات کی طرف اشارہ کرتا ہوں کہ بغیر اُن کی اصلاح اور ترمیم کے یہ مسودہ مقدمہ باری کا باعث ہوگا اُن دفعات کی فہرست یہ ہے — دفعات ۳ اور ۱۸، ۲۳، ۲۵، ۱۵، ۲۲، ۳۲، ۵۲، ۵۹، ۵۳، ۸۷، ۱۷۷ اور ۱۵۸ *

حضور والا — اس قدر سمع خفاشی کے بعد میں اپنی تقریر ختم کرتا ہوں اور دعا کرتا ہوں کہ اگر یہ مسودہ سیلکٹ کمیٹی کو جائے تو وہاں سے ایسی شکل میں ہمارے سامنے آئے کہ کسی فریق کو زیادہ شکایت اور احتجاج کا موقع نہ دے۔ *

Rai Sahib Chaudhri Sheoraj Singh: The Tenancy Bill now tabled before us can hardly be regarded as satisfactory. The zamindars are dissatisfied because every tenant, though he be one year old, will be in possession of the land for his whole life and there will be no room for the zamindar for using his discretion as regards satisfactory or unsatisfactory tenants. The agricultural condition will therefore remain stagnant and stationary. Besides, the zamindar will lose his prestige, and will be reduced to the position of a mere money-lender. As for the tenants, Sir, they will not be in a position to acquire occupancy rights; under the present condition the occupancy right is capable of growing more and more every year, and within the last twenty years it has increased by 13 per cent. as stated by the Hon'ble the Finance Member today. But under the present Bill they will continue to decrease, and a time will come when there will be no or a very few occupancy tenants left, as every year they will have to be ejected on account of arrears of rent and because their growth by means of twelve years' cultivation will be stopped. I therefore

[Rai Bahadur Chaudhri Sheoraj Singh.]

condemn this Bill, not from the point of view of the zamindar, but because I consider it is more injurious in the interests of the tenants than even in the interests of the zamindars. Sir, it is a dangerous and double-edged weapon which cuts both ways. The provision of life tenancy, it goes without saying, is a feature of the Oudh Rent Act. This Act has been very recently introduced, and my information is that it has not proved a success. It is notorious that even during the short period of three years it has been found to be defective, with the result that it is now going to be amended in parts. Besides this, it is very unjust to bring a legislation for the province of Agra on the lines of Oudh. As honourable members are aware, there is a vast difference between the provinces of Agra and Oudh. In Agra there are very petty zamindars, while in Oudh there are very big landlords and big taluqdars. Occupancy right in Agra is about 72 per cent., while in Oudh it is only 2 per cent. In Oudh there was political unrest among the tenants, and there is no such thing among the tenants of Agra. I submit that life tenancy is ruinous for the small zamindars as they are in Agra. There are as many as 56 per cent. who pay land revenue below Rs. 25, and the total number of those who pay land revenue below Rs. 100 is 86½ per cent. These petty zamindars are more cultivators than proprietors, and so the honourable members can easily judge for themselves whether life tenancy would at all ameliorate their condition. The Bill under discussion is to be strongly condemned for the very unfair and unjust provision which tends to make tenants life tenants, whose ejectment cases have been illegally postponed by the order of the Government, or those which have not yet been decided through the fault and laziness of the court. If such ejectment cases had been decided promptly, the land would either have been given to a better tenant on an equitable rent or would have been held back by the landlord himself for self-cultivation. In either case it was no concern of the Government to have interfered. In fact under the present Bill all the *khudkasht* of the zamindar at the enforcement of the Act is to be treated as *sir*. Hence it is illegal on the part of the Government to oppress the zamindar and forcibly and illegally prevent him from benefiting by this provision of the Act. The Bill under discussion professes to stop litigation in connexion with enhancement and ejectment suits. But I submit that it opens many other doors for quarrels between the zamindar and the tenant and thus encourages litigation. It creates new openings for litigation in the matter of acquisition of lands for a large number of purposes, namely, farming, *sir* extension, grove planting, etc., and also in respect of acquisition for consolidation purposes. I have no mind to go at this stage into the details of the Bill, but I warn the members of the select committee, a great number of whom are the big landlords of the Agra province, that they may not trample under their feet the claims of their 86 per cent. petty zamindar brethren paying a land revenue of below Rs. 100, and to be careful in dealing with the Bill which pleases no one and displeases everyone. With these observations I resume my seat.

Raja Sri Krishna Dutt Dube : At the outset I should like to congratulate the Hon'ble the Finance Member on the Bill which he has presented to the Council today for reference to the select committee. Some honourable members have expressed the view that it should be

thrown out at once, while others have supported the motion of the Hon'ble the Finance Member. Let us therefore proceed to see whether it is an advantageous measure. The Bill seeks to confer life tenancy on the tenants. To my mind it is a great boon for them. In the case of petty zamindars, however, it is injurious, as pointed out by several honourable members who have preceded me. I would therefore suggest that some provision be embodied in the Bill which might safeguard the interests of petty zamindars. As regards *sir*, there should be imposed no restriction on it. As to *sir*, I think that there should be no restrictions, because it will mean a sort of injury to the zamindar's rights. Some honourable members have said that the zamindars take nazrana. There may be a few who take nazrana, but not all. I would request the members of the select committee to amend the Bill in such a way that the rights of both the zamindars and tenants may not be injured. Litigation should also be avoided as far as possible, because it is not a good thing for either the zamindars or the tenants—it is as a matter of fact a disastrous thing. Section 40 requires correction, and I hope the select committee will do all that is required. I do not want to go into the details of the Bill at the present moment, because it will again come before the Council. All what I have to say is that we should make this Bill as beneficial as possible to both the parties, so that it may not be revised from time to time. With these few words I resume my seat.

Pandit Brijnandan Prasad Misra : As we will have an opportunity of discussing the clauses and sub-clauses of the Bill later on, I do not want to go into the details of the measure at present, but I would like to say a few words with regard to the general features of the Bill. As you, Mr. President, are aware, I am not in possession of either a military title or a military temperament or physique like my friend Lieutenant Nawab Jamshed Ali Khan, and so I would not like to inflict a fighting speech on this House. My honourable friend Rao Sahib Abdul Hameed Khan on the one side and my honourable friend the member from Bulandshahr on the other, being close neighbours of the Lieutenant, have followed him well in suit; but I would not adopt that course in connexion with the Bill which is under discussion. My feeling is that it would be ungrateful not to appreciate or realize the advantages and benefits which the present legislation proposes to confer upon the tenantry. New measures affecting the agricultural tenancies are being enacted for which the present Government will ultimately be entitled to claim credit, if the professed object of the legislation is further advanced to any appreciable degree. It is yet premature to predict the exact achievements, for a new system is being evolved, which has got only a small past before it. The only legislative model that we have got before our eyes of this kind is the Oudh Rent Act; but that has worked in the province for so short a time that it is yet premature to pronounce any decisive verdict upon it. The benefits that the proposed measure desires to confer upon the tenantry have already been enumerated by the Hon'ble the Finance Member, and they are the conferment of rights statutory tenancy and occupancy by grant or by gift and commutation of rent, with a little improvement upon the present defective line of inheritance, besides a new provision in regard to conferment of a right on the tenantry for coming to the courts for the purpose of claiming abatement in rent. These things are no doubt an improvement so far as they go,

[Pandit Brijnandan Prasad Misra.]

I for one will have certainly liked them to have gone much more in advance of this, and I think I must confess that there is much truth in the verdict of my honourable friend Rai Jagdish Prasad Sahib when he said that the Bill as it stands satisfies neither the tenantry nor the landholders. The tenantry is dissatisfied by it because it is not getting all that it could have desired or should have got, while the landholders as a class do not perhaps feel it palatable because they have to forego some of the rights and powers which they have been hitherto exercising and which they as a body do not want to give away. But the measure cannot be said to be unacceptable to tenantry in general, notwithstanding some of its objectionable features, which are capable of improvement and which must be improved; and if there be any honourable friend who doubts it I would confront him with the question whether the tenantry would reject the offer of statutory rights if and when it gets them. I am sure that if I can get a visible index to the minds of the tenantry, I would be able to read in it that the Bill, though it would not be welcomed with enthusiasm, is certainly one which the tenantry would like to have and would certainly not hurl back with scorn. The best and most lasting solution would perhaps have been found if the Government had been more willing to part with some of its own powers that it possesses and exercises at present. It has parted with but a small fraction of it by conferring upon the zamindars a little advantage of extending the term of settlement from thirty to forty years. But I am sure that if the Government could have seen its way to extend the term still further, if the Government had acceded to the request of those people and had made the term sixty years, the sensible zamindars at least, if not the whole body of them, would have perhaps agreed to confer upon the tenantry even the rights of occupancy. I do not know, Mr. Deputy President, if I would be divulging a secret of the Fremantle Committee if I say that in the sitting of the committee the view of the zamindar friends of mine seemed to be in a majority for conferring occupancy on tenants if they got a term of sixty years for settlements.

But I have stated at the outset that the Government did not act boldly and had failed in getting the satisfaction of earning the gratitude of both the tenantry and the zamindars. The difficulty, as has been pointed out by my honourable friend Rao Sahib Abdul Hameed Khan, is that the Government wishes to pursue, or it has at any rate pursued in the past with great cleverness, the game of hide and seek. On the one hand in the previous legislations it wanted to show to the tenantry that it was conferring the right of occupancy upon them, on the other it was giving a hint to the landholders themselves that the rights of occupancy could be acquired only if the zamindars missed the opportunity, or were not vigilant enough. If the Government had not committed this mistake and had been willing to forego a little of the profit which it is reaping at present, a lasting solution of this problem might perhaps have been found. But it is a pity that it has not been done. Though we may blame the Government for this today, we must not at the same time forget that there is one important factor which weighs in the consideration of all human affairs, and that is of parting with one's own interests and benefits. But for this consideration we could not have absolved the Government of its mistake and wrong action. Luckily or unluckily, I occupy a position which is neither that of a zamindar or

that of a tenant, and therefore, I think, I can look to the question more philosophically. But such a detached view is not justly possible for those persons whose interests are directly affected. For the work of the Tenancy Committee I must give all credit to those zamindar friends who worked with me. They must be thanked for their co-operation and the generosity they had shown there. The personnel of that committee was not one which would have inspired much hope in the tenantry; but the body as it was could not have certainly evolved more reasonable and better proposals. I am sure that with these considerations in view, it would be better if we are devoted to look to the question with a better understanding, and by doing so I am sure it would be possible to make the Bill more beneficial without much opposition. A few discordant notes that were heard today clearly showed that the opposition, though natural in itself, is very slight, and that this measure has clear chances of passage in its present shape with slight modifications here and there.

The Bill is not, as I said in the beginning, free from some grave short-comings, and as it is going to the select committee, I think I would be pardoned if I make a mention of them. One thing in the Bill that seems to be unfair to a section of tenantry which is affected thereby is the new right of acquisition of land of occupancy tenants. The Hon'ble the Finance Member had been making an observation in this connexion in the speech that he made today, and that observation was that the occupancy rights of the tenants "have been scrupulously preserved." That statement of his, though right to a certain degree, is certainly one which I would like to question. In the present legislation the only rights that are being conferred or interests that are being advanced for the benefit of the occupancy tenantry are the provision for abatement of rent and the little improvement in regard to inheritance. These are the two small advantages, if you call them so, which the occupancy tenants are receiving at the hands of the Government. But the corresponding loss which is being inflicted upon them is much more heavy than it ought to have been, and it is that they are losing their important right of sub-letting. Up to the present they had a right to sub-let their holdings for five years, and at the expiry of that period they had themselves to cultivate their land again for two years, whereafter they could sub-let their land again for five years. It would thus be found out by the House that, while their right to sub-let for five years has been maintained, it has been compulsorily laid upon their shoulders that they must themselves cultivate their land for five years again instead of two. I beg to submit, Mr. Deputy President . . .

The Deputy President : The honourable member may now conclude his speech.

Pandit Brijnandan Prasad Misra : I will not take much time of the Council now, and I hope you will kindly extend the time for five minutes more.

The Deputy President : I have no objection; but the honourable member must have in mind the desirability of giving an opportunity to other members to speak.

Pandit Brijnandan Prasad Misra : If the House does not wish to hear me, I will sit down at once.

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Occupancy tenants are thus losing their right to sub-let, that is to say, their right to sub-let is being restricted. But even this is not all; this Bill even endangers their very right of existence by laying down that their land can be acquired for certain purposes by the landholder. This to me seems to be a little unfair, as it would, I am sure, appear to the House also, if the House considers the question in a dispassionate mood.

Now in narrating the defects of the Bill I must hastily mention certain other points also without developing them or commenting on them. The period for enhancement has not been extended to a time which is desirable. Another thing that appears defective is that the system of nazrana has not been penalized. In connexion with this I would say that though the evil is not very general as had been averred by somebody, still, if it is penalized, I am sure, the penal provision would not touch good zamindars, nor need it be opposed, for the legislators, when they have to legislate, do not legislate against the zamindar class, but they legislate and the provisions of the law touch only those persons who are miscreants. It would be only they who would be affected, and I am sure that good zamindars would not find any reason for opposing this suggestion. A similar provision was necessary in regard to excessive realizations that are made from the tenants under duress. Those exactions should have been made criminally punishable. Severity and distrains is another thing which remains as before. They should have been improved. I do not wish to suggest that any power which the zamindar has for realizing rents should be taken from him, but still its rigours should have been considerably removed. Another defect which I am sure the select committee would keep in mind when considering the Bill is in regard to the amount of compensation that is permissible under the Bill. The amounts that are allowed are really very small, and I would ask the Council to give due consideration to that question. There are two other points which I would like to mention in this connexion. For a committee deliberating upon a tenancy legislation it is very necessary that they should take into consideration the question of giving impetus to the introduction of better methods and improved style in agriculture. Improvements in regard to that are essentially necessary. In past the difficulty is that tenants had not been taking keen interest in their land and were taking out of the cultural powers of the land as much as they possibly could have done without making any sort of improvement, owing to insecurity of tenure. But now the position changes and with it the slackening in the right of making improvements becomes all the more necessary in the interest of development of the science of agriculture, agriculture being the principal thing upon which the whole country depends. The question of improvements must be considered, and powers for making improvements that have been granted to the tenants under the present Bill, and which are very small, should be considerably increased. Another point to which I would draw the attention of the Hon'ble the Finance Member and the select committee is that the Bill is absolutely forgetful of the Bhabar and Tarai estates of the Government. The Bill is not being extended to those estates and their position is just like the proverb that "there is always darkness under the lamp." The question of the roster year is a point to which full consideration must be paid by

the House, and I am sure that the question of revising the rates three times within the course of a settlement would receive special attention of the select committee when the Bill is before them. This innovation would not benefit either the zamindar or the tenant, but would involve the Government in an additional expenditure, which would not be compensated in any desirable way. It may be helpful in the addition of a little rent, which may in its turn have to bring in a corresponding amount of increase in the land revenue. But all this would do no good except keeping us revolving in a vicious circle. The rates of revenue would continue to increase, and that would be an extremely disastrous thing for the whole country. I have to say one word in regard to the small landholders, and it is that the question of small landholders is not of such a big magnitude as my honourable friends seem to think it to be here. I agree that they may have to meet with a little difficulty, but still those persons who are very small zamindars are in the very nature of things in most cases in the habit of cultivating their lands themselves instead of making them over to the tenants for cultivation. Such of them as do let their land for cultivation are persons who generally would not cultivate their land themselves, and if they do desire to cultivate in future, the difficulty would be met by the land lapsing on non-payment of rent or after the expiry of five years of the heir of tenants.

I would say one word at conclusion, and it is that the landholders, in yielding to this extent in conferring these rights upon the tenants, should not think that they are only the losers. If they would like to weigh the situation with foresight, they would find that they are gaining a great deal. Amongst the advantages that are accruing to them by the introduction of the present Bill might be enumerated the facilities for expeditious realization of rents and for getting rid of defaulting tenants. The Bill is making the process of realization of rents through the tahsildar's court so expeditious and easy that it would not be either expensive or difficult to make realizations as it has been in the past. Tenants who are accustomed to stick to land without paying money or who pay money with great difficulty shall have now to go with their bag and baggage sooner and thus the landholders would be better off. The extension of the privilege of *sir* rights is another weighty gain which must appeal to them all. Their rights for acquisition of land which the present Bill contemplates is another privilege which is giving to them rights of very great advantage. Above all these things they are getting 40 years' settlement, an extension in the term of the settlement which they had ever desired but could not have hoped to get and achieve, and if the House can read into it the thin end of the wedge, they might rest assured that by putting a unanimous and strong demand in future the term might perhaps be extended still further.

In view of all these advantages, I am sure that the view of the zamindars which is usually liberal in this Council would become still more liberalized and their opposition to the present measure would, even if it exists in a few hearts, die out ultimately; and if they cannot agree to granting any greater concessions than these to the tenantry, they would not, I am sure, oppose the passage of the present Bill in its present form after removing the defects of the drafting and making other useful improvements that are necessary for the agricultural well-being of the country. I would no doubt have wished, I may tell you again,

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Mr. Deputy President, that the Bill ought to have gone much in advance of this, but knowing full well that the majority of the House belongs to the zamindar community, it is in the fitness of things that like practical politicians we must all accept the little benefit which the present Bill wants to confer, and let the amended Tenancy Act reach the tenantry, so that their present condition might be improved, howsoever little.

About this stage the Hon'ble the President resumed the Chair.

Dr. Shafa'at Ahmad Khan : It is with a sense of very serious responsibility that I rise here to support the reference of this Bill to the select committee. This is a Bill which will affect countless millions of this province and which will have further an effect upon the next generation. I believe that, so far as the principles enunciated in the Bill are concerned, there is absolutely no difference of opinion. I offer no opinion regarding the methods devised for these objects in the Bill. What the Government desire is in the first place fixity of tenure and in the next place prevention of the enhancement of rent. While for the zamindars the adjustment of rents to changes in prices, as enunciated in the statement of objects and reasons. Now, Sir, so far as these objects are concerned, there can be not a single person either among the zamindars or among the tenants who can rise and oppose the grant of these powers to the parties concerned. The tenants in India, and specially in this province, are noted and have been noted for their unremitting industry and also for their hard laborious and frugal lives. Any one who has mixed with them, who has worked with them, who has had intercourse with them, will testify alike to the sterling qualities of the peasantry of this province and to the remarkable vigour and recuperative power which they possess. So far as the zamindars are concerned I believe that there is no real cleavage of interest between the two classes. I believe that the interests of the zamindars and those of the ryots are identical and they have been identical in the past. I know that sometimes there are some busy-bodies, some outsiders, who try to create mischief. I am convinced that this measure also will be considered with the fairness, with the impartiality, which has been the characteristic of the rural classes. Among the rural classes I include all : I include the zamindars and I include the ryots. I make no difference at all because the majority of my constituents are kashtkars and I represent them as well and as much as I represent the zamindars in this Council. So far as this is concerned, I assert that there is absolutely no difference, no conflict of interest, between these two classes.

It has been said—I will not mention the name, but it has been said—that the object of this Bill is to transfer power from one class to another class. It has also been mentioned that in other countries, for instance Ireland, this object has actually been achieved and the landlords are being gradually purchased out until the peasant proprietor takes the place of the landlord. I am surprised that in an age of political regeneration when we are striving for the diminution of class interest it should be suggested and seriously suggested that we should be rescued from the thralldom of one class only to sink under the avowed domination of another class. It is surprising indeed to hear that one class should

give up what little power it possesses, so that it may be monopolized by another class.

If this is the conception of the Bill, if this is the idea which some persons entertain regarding the object of the Bill, I for one will say here that I will not support a measure of this kind. Now, Sir, to my mind, and I am sure to the mind of the majority of the zamindar members of this Council, this Bill is designed and has been designed in order to do justice both to the zamindars and to the tenants. It is not the object of any one class, it is not the object of any one party, and it is not the object of any one community in this province that the power, the privileges, immemorial rights and the duties which are exercised by the zamindars and the kashtkars should be turned topsy-turvy, that they should be deprived by a stroke of the pen of those rights which they have possessed. Nobody desires that the zamindars should be brought out or the tenants converted into serfs. Sir, I would like to refer to one or two points which to my mind need the serious consideration of this House. In the first place I would like to refer to the question of the shall zamindars. In the Moradabad district the number of landlords who pay land revenue to the Government is one lakh. I am quoting the figures supplied to me by the Government in February this year in answer to a question. From this we gather that the number of Hindu and Muslim zamindars is about a lakh. The population of Moradabad is 1,98,653; so that practically out of every 11 persons one person is a landlord. From this you can realize the extent of their influence and the extent of the increase which has taken place in the number of small zamindars. You can also realize the nature of the hold which they exercise on the social economy of the district. I have tried to calculate the total number of zamindars in the Agra province and compare it with the Oudh province. The members will be surprised to hear that the total number of zamindars—Muslims, Christians and Hindus—in the Agra province is about 2 millions and that the number of landlords in Oudh province is only about 2 lakhs and 25 thousand. You can find out the enormous difference in the treatment we ought to mete out to the two provinces—the province of Agra and the province of Oudh. The province of Agra is pre-eminently distinguished by the enormous number of small zamindars, and on calculation I find that the petty zamindars number 2 millions out of 33 millions, which is the population of the Agra province. That means that out of 16 persons in the Agra province one person is a zamindar. That shows the enormous hold which the petty zamindars exercise all over the Agra province, and it also shows that when we consider this Bill, and before we pass it into law, we must take into serious consideration the peculiar condition of the small proprietors of the Agra province. We must not try to lay down a uniform code of laws for the big zamindars and for the petty zamindars. My constituents are not aristocrats, they are not capitalists, they are not millionaires and they are not plutocrats; they are children of toil and of industry. They work hard and they do not derive great profit from their industry, but they just manage to live. If any law is passed which applies equally to the big and the petty zamindars, I am sure it will ruin lakhs and lakhs of zamindars of the Agra province. So I would urge the Government to take this factor, which to my mind is a very serious factor, into its consideration and, in applying the sections concerning statutory tenants, try to modify the rules regarding

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that provision so far as the petty zamindars are concerned. Then there is a question of life tenancy. I do not wish to commit myself so far as the clauses regarding statutory tenants are concerned at this stage. If statutory tenants are to be created in this province, and if the majority of this Council agree to it, we must pay particular regard to the clauses in the Bill concerning the succession to be statutory tenants, and we must also find out what effect it will produce on persons paying a revenue of Rs. 50,000 a year, and a small zamindar paying a revenue of Rs. 800 to Rs. 3,000 a year. Some clauses, Sir, will in my opinion be totally unacceptable to the zamindars, to the small zamindars specially in view of the fact that under section 4 of this Bill the small zamindars cannot cultivate more than 50 per cent. of the *sir* land. If this provision is inserted, if clause 4 is retained, if the Government insist on carrying into effect logically, consistently, clause 4, the result will be that a number of these petty zamindars who are completely dependent upon the small patch of land which they are cultivating, will be deprived of their bread and of their only means of livelihood. Take the case of Amroha, or take any other place. You will find there a very large number of persons who have no other source of livelihood, no other means of living, except the small piece of land which they cultivate. If you apply section 4 according to the present Bill to that class you will find that that class will be so vitally affected that they will have to sell off, withdraw from their homes and to take some other pursuit. I do not think that, even if they take advantage of both sub-sections (d) and (e) of clause 4 of this Bill, they will have sufficient income to keep body and soul together. Then, Sir, there is the question of the consolidation of holding, the compactness of holdings. As everyone knows I have been strongly in favour of the compactness of holdings: I believe that if progress, agricultural progress, of this province is to be maintained, if we are to introduce reform in our antiquated and worn-out methods, we must try to bring about compactness of holdings, but I also believe that this can only be done if the operation is left to the voluntary choice of the two parties, landlord and tenant. The collector must not interfere in a work of this nature, and the peasant and the landlord should be allowed to bring about an exchange of land. And my view is strengthened and confirmed by the experience of the Punjab. There no element of compulsion is applied in any area. The tremendous progress, the remarkable progress, the Punjab has achieved in the consolidation of holdings has been brought about by the co-operative societies which have eliminated the collector and the patwari and which have been able to bring about the consolidation of 45,000 acres of land. So I think if this proviso is retained it will work very hardly so far as the zamindars are concerned. By all means let us have compactness of holdings; let us try to introduce large scale farming; but let us do it on business principles. Do not compel the landlord and do not compel the tenant, and do not allow the collector, with that tremendous power which he would be invested with under this Bill, to interfere, because if you do you will raise discontent in the province, you will give such a power to the patwari that you will find yourself completely at the mercy of these petty officials. I had some correspondence on the matter with Mr. Calvert last year and he is decidedly against a clause of this

nature. He said the success of the Punjab, so far as the consolidation of holdings is concerned, has been due to the voluntary work of the two parties, the kashtkar and the landholders : the collector has exercised no coercive power in the matter, and has not interfered with the work of the numerous societies that have sprung up for the consolidation of holdings. He has helped them, of course. This work should be left to the co-operative societies, and can be achieved only after a considerable amount of propaganda work. If we commit this mistake, if we allow the collector to interfere in this work, we shall find that neither the kashtkars nor the landlord will be satisfied.

Lastly, I should like to appeal to the Government to let a question of such supreme importance to the province be, as far as possible, amicably decided among the various parties in our Council. I must confess I do not like the constant interference in our domestic relations which has been exercised for the last forty years. I think if the Government had let the landlord and the cultivator alone, we would have got on much better than we have done. But for the Act of 1901, the litigation would not have been increased. I wish with all my heart that an understanding could be devised whereby the various parties inside the Council could agree to a certain compromise, to certain principles on the basis of which we could bring this Bill back to the Council and regard it as a measure not concerning solely either the zamindar party or the ryot. So I would urge that in all these cases as far as possible the Government should adopt an attitude of benevolent neutrality, so far as the two parties are concerned, and we would try, as the representatives of the landlords and the tenants, to come to a settlement which should be acceptable to both.

Raja Shambhu Dayal :

جناب پریسیدنٹ صاحب —

سب سے پہلے میں اپنے سوراہست بھائیوں کا شکریہ ادا کرتا ہوں کہ اس کونسل کو چھوڑ کر کے بھی آپ ہمارے ہمدردی کے لیے تشریف لائے ہیں (قہقہہ) اور گو زبان سے اب کچھ نہ بولیں لیکن قلم آپ کا ہمارے ہی حق میں چلیکا — اتنے دنوں آپ صاحبان کی غیر موجودگی سے جب آپ کے اس گوشہ کی طرف میں دیکھتا تھا جہاں آپ لوگ کونسل میں تشریف رکھتے تھے تو یہ معلوم ہوتا تھا کہ ایک دیرانہ نظر آ رہا ہے اور یہ خیال ہوتا تھا کہ جانے کون بول رہا ہے (قہقہہ) لیکن آج اچھا خاصہ چمنستان نظر آ رہا ہے یا یوں کہیے کہ پورا چرخستان ہی (قہقہہ) اس کے بعد میں آنریبل جناب فائننس ممبر صاحب کا شکریہ ادا کرتا کیونکہ بڑا خوش قسمت وہ شخص ہوتا ہے جو اپنی زندگی میں کسی کے احسان کا بدلہ چکا سکے آپ کی مہربانی سے ہم اردھ والوں کو یہ موقع ملا کہ اپنے آگے پروانسن (province) کے زمیندار بھائیوں کے ساتھ اپنا بدلہ چکادیں (قہقہہ) میں خہال کرتا تھا کہ کوئی خاص بات ہمارے فائننس ممبر صاحب میں ضرور ہے جو گورنمنٹ آف انڈیا سے ڈائریکٹ (direct) یہاں تشریف لائے آپ کو موقع محل کی شناسائی خوب ہے کیسے موقع سے یہ بل لایا گیا ہے — کئی برسوں سے اس کا ذکر تھا لیکن آخر اس کا وقت نہ آیا جبکہ آپنے ایلکشن ہونے والا ہے (قہقہہ) زمیندار بیچارے مجبور ہیں کہ اپنی گردن

جھکا کر سر تسلیم خم کریں - اگر اختلاف کو تھے ہیں تو مخالفین اُن کے کاشتکاروں کو بھڑکا دینگے کہ گورنمنٹ تو تمہارے ایسے حقوق دیتی، تو یہ لیکن زمینداروں نے تمہاری مخالفت کی کوشش کی - میں یہ کہتا ہوں کہ ایک شخص کو پائمال کر کے دوسرے کو حقوق دینا اس کے معنی یہ ہونے کہ ایک فریق ضرور آپ سے ناراض ہوگا - اس کی کیا وجہ ہے کہ صرف دس سال کی توسیع مدت اپنے ہندو بست (extension) کے لیئے ہم چاہتے ہیں اُس کو بھی آپ دینے کے لیئے تیار نہیں ہیں اور ہمارے حقوق کاشتکاروں کو منتقل کر رہے ہیں - یہ کہا جاتا ہے کہ کاشتکاران کو حق دخیلکاری کا دیدیا جائے - کاشتکاران کو جو حقوق دخیلکاری کے ایک بہت بڑے جزو پر حاصل ہیں تو غیر دخیلکاری کی اراضی بھی اُس کے اختیار میں دیدینا اور زمیندار کو بیکار کر دینا میرے خیال میں یہ گورنمنٹ کی غلطی ہوگی - اس بل کے اُپر جو مباحثہ ضروری ہے وہ میرے بہت سے قابل دوست فہم چکے ہیں اُس کی بابت مجھے کچھ عرض کرنے کی ضرورت نہیں ہے - یہ بل سیلکٹ کمیٹی میں جائیگا اور پھر اس کونسل میں مباحثہ کے لیئے آویں گا - جو ممبر صاحبان سیلکٹ کمیٹی میں لیئے گئے ہیں مجھے اُمید ہے کہ وہ واقعی میں اس کے اُپر کافی غور کریں گے اور زمینداروں کے حقوق کو پامال نہ ہونے دینگے اور جو مناسب حقوق کاشتکاروں کے ہیں وہ تجویز کریں گے - یہ قانون پاس ہوجانے کے بعد میں اُمید کرتا ہوں کہ نذرانہ کا قصہ آگرہ اور اودھ دونوں مقامات میں ختم ہوجائیگا اور پھر اس کے بعد شکوانہ کا قصہ بھی لیا جائیگا (تہقہ) تاکہ اُس میں جو زیادتیاں رہا یا اور زمینداران پر ہوتی ہیں اُس کا بھی عملی انسداد کیا جائیگا *

میں اپنے پُرانے قابل ترین دوست پنڈت نانک چند کی وضع داری کا قائل ہوں - آپ کا اور ہمارا جب سے یہ رفارمہ کونسل شروع ہوئی ہے تب سے ساتھ ہی اور آپ نے ہمیشہ کاشتکاران اور زمینداران دونوں کے اُپر کافی توجہ فرمائی ہے اور اس وقت بھی آپ غافل نہیں ہیں (تہقہ) مجھے نہایت افسوس ہے کہ جس ضلع میں ایسی ایسی ہستیاں موجود ہیں اُن کے لیئے ایکٹوین ریمارک کس قدر بیجا تھا اس کے اُپر کسی آئندہ تاریخ میں بحث ہوگی - اب اس سے زیادہ مجھے کچھ عرض نہیں کرنا ہے - ہمارے آگرہ پراونس (Province) کے بھائی اگر یہ چاہیں گے کہ یہ بل رد کیا جائے تو میں سوورٹ کردونگا اور اگر یہ چاہیں گے کہ سیلکٹ کمیٹی کو دیا جائے تو میں اُس کی تائید کردونگا *

Khan Bahadur Maulvi Fasih-ud-din : At last the much discussed, the much debated, Agra Tenancy Bill has been placed on the anvil of this Council, backed up with the memorable peroration of that Irish gentleman, that oratorical Finance Member Sir Samuel O'Donnell. Sir I had no mind to speak today because I thought that I should reserve my opinions on the various matters involved in this Tenancy Bill for the select committee of which I have the proud privilege of being announced as a member, but I have to yield to the persuasion of some of my zamindar friends not to be grave on an occasion of this kind, specially when I recall to my mind a writing in a book which I read in my boyhood

that the gravest fish was an oyster, the gravest bird was an owl, the gravest beast was an ass, and the gravest man was a fool. However, coming to that oratorical Irish gentleman, I submit, Sir, that all of us were under the impression that he would end his speech with a denunciation of the zamindars as a class when we heard him denouncing us in connexion with our so-called efforts to frustrate the various sections of the existing Agra Tenancy Act which tended to ensure the growth of occupancy rights. When he denounced us for having extorted in more ways than one nazranas, when he denounced us in many other ways. . . .

Hon'ble the President : Order, order. The Hon'ble the Finance Member wishes to make a personal explanation.

Hon'ble Sir Samuel O'Donnell : I never denounced the zamindars in my speech. I entirely deny that there was one word in my speech of denunciation of the zamindars. I said certain provisions of the Act had not worked well, but it is entirely a misrepresentation of my speech to say that I denounced even by one word the zamindars or the landlords.

Khan Bahadur Maulvi Fasih-ud-din : Well, I am very sorry for having misunderstood the Hon'ble the Finance Member and I withdraw my words. However, his justification for bringing this Bill forward was that the various provisions of the existing Act were not properly enforced because of the great litigation on the part of the zamindars that ensued in connexion with ejectments and so on. Anyway, we are sincerely and deeply grateful to the Hon'ble the Finance Member for his most sympathetic acknowledgement of the position which the landlord holds in India. Sir, as I happened to be a member of the committee which was appointed to draft the original Bill I will not go into the details of the various clauses of this Bill as my views on all those details are given in my dissenting note which is on record; but I will deal with the general phases of this Bill which have been the result of the tendency of some of our friends to belittle the position of the landlords, and also with certain provisions of this Bill which bring out this tendency most prominently. Before I proceed to do so, I must assure this House that we, the zamindars, have lived so long in spite of the efforts of some of our friends and we are determined to live with greater power and greater strength. Here in the Council, too, we form the very pillar of the administration in the shape of three Ministers and one Home Member from amongst our ranks. We are undoubtedly, and we will continue to be, the centre, of political activities, and any efforts on the part of those who try to introduce the ryotwari system and who do not openly come out with out-and-dry proposals of their programme—any efforts of those gentlemen will come to naught. One of our friends referred today to the condition of Ireland, and I have to say that for a second time the cat is out of the bag. I say, Sir, that any attempt to lower the position of the zamindars will be extremely resented by us; and it is for this reason that we look upon some provisions of this Bill as extremely obnoxious. I will give an illustration of this tendency which is exhibited in this Bill. The first illustration is the provision about the succession of occupancy and statutory tenants. I find that there is a long list of successors numbering about ten, and I find that the father has been put down as the heir of the son—a thing which I never imagined—not only the father, but the grandfather too, has been put down as the heir of an occupancy tenant. I should like to have seen this sort of succession to go

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on a little further up to Adam and Eve. I think that the way in which succession has been arranged simply shows the tendency on the part of those who are responsible for putting down this provision to oust the zamindar from his village altogether, and never to let him have the land for the sake of his self-cultivation and for giving it to more deserving tenants. Another exhibition of this tendency is to be found in the provisions relating to consolidation of holdings. So far as the provision for the acquisition of land by a tenant from the holding of another tenant is concerned, it is all right; but the provision goes a step further and empowers the tenant to acquire land from the zamindar also. This means practically that the owner of the village is to be converted as if by a magic wand into a tenant of the village and *vice versa*. I remember that the Hon'ble Mr. Burn, at the time when this point was being discussed in the Drafting Committee, gave it as his distinct opinion that the question of consolidation of holdings could not be dealt with in a few sections of the Tenancy Act. My friend Pandit Nanak Chand also has expressed the same opinion on the floor of the House today. It is for this reason that I think that the select committee should agree to the total expunction of this provision.

Another chief point which I wish to speak about is the provision that is contained in clause 40 of the Bill. This clause has been very much criticized by many members of this House. Some of them have gone to the extent of saying that this clause should be completely omitted from the Bill as being likely to foment litigation. I am very sorry that I could not possibly credit the opponents of this clause with so little common sense. They forget probably that the system of life tenancy is a cumbrous, cold and inflexible system. It does not allow any expansion of self-cultivation, any extension of farming system and any change in bad and undesirable tenants. For this reason the provisions of this clause 40 were the inevitable results of the system of life tenancy. If we have no provision for the acquisition of land for necessary objects such as are described in clause 40, the natural result will be that the system of life tenancy will break down in a day. It is for this reason that this clause has been put in. But I think that the clause as it stands is quite useless. It is the counterpart of a similar section in the Oudh Rent Act. We find that in Oudh it has proved to be perfectly useless and impracticable. We find that out of 7,000 and odd cases that were instituted in Oudh up to June last only about 700 were allowed by the deputy commissioners. And out of those 700 many were disallowed by the Board of Revenue. Thus, the net result was that about three or four hundred applications for the acquisition of land for self-cultivation, for farming and for planting groves were allowed out of six or seven thousand and odd that were put in. The matter was very well discussed before the committee and all the three members on behalf of the Government as well as the tenants' representatives fully agreed that the word "may" which was used in the Oudh Act should be substituted by the word "shall" in order to make it compulsory for the deputy commissioner or the collector to sanction the acquisition under this section. But it appears now that, evidently for fear that the Oudh people will also claim a similar privilege, the word "shall" seems to have been scratched out and substituted by the word "may" again in the new Bill that is now before us. That is a very serious matter, and I

think we cannot possibly agree to life tenancy so long as we have no safeguard for extending self-cultivation and for taking lands for other necessary purposes. I look upon this as one of the most important conditions of our accepting the system of life tenancy. As for the life tenancy question, I am quite sure that it is the question of the day. It is a question of questions. And this question will have to be very seriously considered before the select committee. Its acceptance by the zamindar party in my opinion depends on how far our reasonable demands are accepted by the select committee and the Council. At present I think it is too early to give a definite opinion. We have just to wait and see.

Mr. Mukandi Lal : At this stage the Swaraj Party do not desire to enter into the merits or the demerits of the Bill. We do not stand for any particular class. We leave it to the Government to become the champion of one class or the other as they profess to do. So far as we are concerned, we stand for justice. We are as much prepared to safeguard the interests of the landlords as we are anxious to protect the interests of the tenants. In the present state of our society we do believe that the zamindars and the tenants are indispensable factors, and we further believe that on the prosperity of both the zamindars and the tenants depends the prosperity of our country. Therefore, with an eye to the interests of the country, we will deal with the present Bill. The same consideration will guide the members of the Swaraj Party in the deliberations of the select committee and the Council. I may remark casually that one-half of the members of the Council, as at present constituted, belong to the land-owning class, one-fourth consists of those who pose as the champions of the landlord class, and it is perhaps only a quarter of the Council which, as a matter of necessity, adopt the rôle of the umpire. Our party has decided today to act as umpires; and we will watch the interests both of the peasant and the landlord, and make an earnest effort to find a solution for the existing friction and conflict of interests. We believe that the present Bill, if passed with necessary modifications in the interest of the tenants, might contribute to the agricultural and economic progress of the country as a whole. It is that faith which has brought us here today. We are open to conviction and shall deal with the Bill in the best interests of the people as a whole.

Coming to the Bill itself, I find that it is not proposed to bring within its purview the existing Government estates. This fact, although pointedly brought to the notice of the Government on numerous occasions in the past, has apparently produced no effect on them. Recently, however, in Dehra Dun, a notification has been issued to the effect that the present Tenancy Bill, when passed, will not be extended to the tea gardens of that district. As to how far it safeguards the interests of the tenants or the landlords, I leave it to the Government to say. In respect of the present Bill the Government, to my mind, is backing the winning horse, and I hope the zamindars realize the value which need be attached to Government championship. If the Government were intent on championing the cause of the weak, they should have done so by championing the cause of tenants and protecting their interests. The present Government also, as remarked by one honourable member, is a zamindar Government, and so we cannot naturally expect much from it for the good of tenants.

[Khan Bahadur Hafiz Hidayat Husain.]

My honourable friend, Raja Shambhu Dayal, expressed his profound regret at the absence of speeches from the Swarajist benches. I should only like to tell him that if he is really fond of us, he should help us in the next elections, and become one of us.

Khan Bahadur Hafiz Hidayat Husain : Having heard the speeches of the honourable members to-day, I am confirmed in the belief that this Tenancy Bill satisfies neither the landlords nor the tenants. The speeches of Hon'ble Sir Samuel O'Donnell, for the Government, of Lieut. Nawab Jamshed Ali Khan for the zamindars, and of the champion of the tenantry party, my honourable friend from Bulandshahr remind me of a story of three frogs, one perching upon the other. This story is appropriate more for the reason that the Hon'ble Sir Samuel stated last year that in the land there were three partners—the Government, the landlord and the tenantry. Reverting to my story, the first frog who was the topmost of all the three was calling out چم غم - چم غم. Lieut. Nawab Jamshed Ali Khan's speech reminded me of the second frog who was croaking زبرام - زبرام. The Nawab, representing the landlord, meant and say :—“Although I hate the bill, still as you will rather send it to the select committee so let it go. I bow to your decision.” My friend Pandit Nanak Chand's speech reminded me of the third frog who was plaintively shrieking مرگئے تو ہم - مرگئے تو ہم. This is exactly the position of all the three partners of land. This measure conceived in a beneficent spirit for the tenantry by the Government does not, it is clear, satisfy either the landlords or the tenants. The reasons are obvious. In the first place the zamindars think that a most valuable right is being taken away from them which would tend to deteriorate their property. The tenants think that they are not getting enough. My own opinion is that, but for one or two false steps, the landlords do not stand to lose much from this Bill, as it gives them certain valuable privileges, for example those of acquisition of land contained in section 40 of the Bill. This will enable the landlords to get on to the land and will be instrumental in weaning them from the attractions of the town. They can, if they choose to do so, get enough occupation to live on their own lands in villages. The other thing that will further help them is the consolidation of holdings. I regard this as a most benevolent and progressive step, and I hope as time progresses the zamindars will take the fullest opportunity of benefiting by it. As against this, the occupancy and the statutory tenantry do not get all that the Government expects they would get. Occupancy rights were so far a creature of law, that is to say, they would not be conferred by the zamindar : they were the results of efflux of time. A man who had been cultivating the land for 12 years would have occupancy rights conferred upon him. Now these rights will not be so acquired. To my mind the result of this would be that occupancy tenure will decrease in the province. The reasons are apparent. In the first place you have got the same ejectment processes functioning as there used to be : in the second place you have got surrender, and in the third place you have got section 40 of the proposed Bill which will empower the landlords in certain circumstances to acquire these lands. There will hardly be any incentive to the zamindar to confer occupancy rights, for although, under section 17, the zamindar can confer occupancy

rights by enhancement of rent, he will be afraid to do so, as the effect of enhancement is taken away by section 65, which can bring down the rent if it is in excess of the sanctioned rate.

Act II of 1901 came into force on the 1st of January, 1902. From 1902 to 1922, thirteen lakhs of bighas were restored to the zamindars under section 59 of the Act, but as against this the non-occupancy rights matured into occupancy rights in thirty lakhs of bighas. Thus the increase in the occupancy area has been seventeen lakhs of bighas in twenty years. The net result of all this is that 85 per cent. of the land is now held in occupancy rights. But all this gradual ripening into occupancy status is now being taken away and my fear therefore is that occupancy tenures, instead of increasing, will decrease in the province. Now with regard to the statutory rights, I think they will not be such a boon to the tenantry as it was supposed they would be. Statutory rights give security for life and five years after. To begin with, I very much doubt if the Government can carve out from the estates of the zamindars and from the proprietorship of the holders, the rights which it is going to bestow upon tenants who may have been in occupation of the land, say, for one year only. If this right of the Government is admitted, and I have strong doubts about it, then my idea is that for the same reasons as operate in the case of occupancy tenants, besides the additional ones of high rent payable under the roster year system, life tenantry will be at a discount. I would certainly like to go back to the old system. The existing provisions of law regarding non-occupancy tenure ensure to the landlord his rights as absolute owner of the land, secondly, they leave with the landlord enough land for those persons who had none before and are relegated to cultivation, and thirdly, they also assure to the landlord a little extra income. Therefore, I am afraid I cannot bless these provisions, for they bid fair to defeat the very object for which they are sought to be enacted. I regard the conferment of statutory tenancy as repugnant to the theory of ownership of soil. Then I regard it as unnecessary, for nearly 77 per cent. of the tenants in the Agra Province do even now enjoy occupancy rights as against 2 per cent. in Oudh, and lastly I regard it as most harmful to the petty zamindars constituting 86 per cent. of our proprietary body.

Now coming to the other provisions of the Bill, I think section 22 of the present Tenancy Act II of 1901 needs no improvement, although I think that these provisions of law encroach on the rights of the landlords, and they certainly abrogate the personal law of the land. But still for the sake of stability, I would not disturb them. But I feel certain that the enumeration of so many persons entitled to inherit the land on the death of the tenant as is now contained in the new Bill will give rise to perjury and chicanery. For instance, nothing is easier than to hunt out a few witnesses to swear, that the person who claims succession under section 22 had been living with the late holder and, secondly, that he was dependent on him and, thirdly, that he was residing in the village. Abundant evidence to show the contrary will, with as little difficulty, be forthcoming. Thus the door for further perjury and chicanery will be opened. The only solution of the difficulty is to resort to the personal law of the land, that is to say, only those heirs should be recognized who are heirs under the Hindu or Muhammadan law and no other. The further point to which I wish

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attention to be drawn is the punctual payment of rent to the zamindars. Great laxity is shown by the tenants in this matter and still greater encouragement is given by law. It is now sought to extend the time even up to six months for payment of rent. Now if you are so strict on the landholders, if you cannot tolerate even two days' delay in the payment of land revenue, is there any justification for allowing this latitude to the tenants? You have got ample powers to coerce the zamindars to pay their revenue, by sending them to jail without paying a half-penny for court fees, while you force the landlord in order to get his just dues to pay so much for court fees and incur other necessary expenses besides. My friend from Pilibhit has stated that provision has been made for mere application to the tahsildar for realizing rent and thus obviate the necessity of a regular suit. But he forgets that a tenant wishing to get time and harass the landholder will put in an application containing futile pleas. The result will be that that application by the landlord will be treated as a suit between the landlord and the tenant and the delays of law will begin. Therefore, I think, if you are so strict on the landlord, you should also be strict on the tenant and should not allow any latitude to him in paying his rent. This will make him more businesslike as well. Then the other point is the sub-letting. It is notorious that tenants having large areas which they do not require, rack-rent the holding to sub-tenants and the zamindars often in such circumstances find great difficulty in realizing the rent either from the tenant or the sub-tenant. Section 28 of the Act II of 1901 provides for rights on extinction of the lessor's interest, but how often do not the tenants before extinction of their rights get round the covenants in order to defeat the rights of the zamindars? Therefore, I think that sub-letting should be strictly prohibited to all the tenants-in-chief. Lastly, I wish to say that none of the zamindar members of this House (and, as has been said, this House consists of a majority of zamindars) deny to the tenant his right of fixity of tenure and fair rent. I am aware that this Bill has been introduced for the purpose of helping the tenants, but I hope the Government will realize that in its anxiety to help the tenants it does not set them against the landlord, that is to say, the landlord should be left in the free exercise of his legitimate rights as such. Any attack on the exercise of his rights however, unintentional, will give rise to discontent, the extent of which we may not have anticipated.

Khan Bahadur Shaikh Masud-uz-Zaman : In the first place I wish to make it clear that I do not agree with those honourable members who say that it is necessary that one Act if it gets old should be superseded by another Act, just as clothes have to be changed after a certain time. I think the first principle that is taught to a law-student is that no legislation is to be enacted unless there is a very serious demand for it. In India unfortunately things are always the other way. Whether there is a demand or not, the Government forms its own policy and wants to introduce certain Bills. In the present case the Hon'ble Finance Member referred to the Oudh Rent Act and he has reminded us of the events that preceded the passage of that Act. In spite of the fact that before the passing of the Oudh Rent Act there were grievances, largely exaggerated by interested persons on behalf of the tenants, and in spite of the fact that the Government was to a large extent to be blamed for having

allowed the agitation to go on for a very long time, there is no denying the fact that there was a great demand on the part of tenants for removing their grievances in connexion with the Oudh Rent Act. But in the present instance the case is just the reverse. There was no demand on the part of the tenant to make alterations in the existing Agra Tenancy Act. On the other hand there were certainly some grievances of the zamindars to amend certain sections of the Act, and though they never approached the Government or made any serious grievance, yet if there was any party to complain or require a change in the existing Act it was the zamindars and not the tenants. But the Government has made out a case for the tenants, and apparently the rights which the zamindars in the ordinary course would have resented to give or accede to, are bodied in the Act to be given to the tenants, I mean life tenancy. From this I only infer that since the Government was to make a common cause or a supposed common cause with the tenants it should be the duty of the Government kindly to do equity, if they want equity to be done to others. When the question of permanency to the tenant or fixity of tenure is before us the Government come forward to take the part of the tenant. But when the question of settlement comes, then no grievance of the zamindar is heard. If the zamindars are to give any permanency or security to the tenants for the holdings, the zamindars should also be safeguarded by being given permanency so far as the revenue is concerned. Revenue and rent cannot be separated from each other. Any way, whatever the decision of the House may be on the giving of life tenancy or acceding these rights to the tenants, I am not very much opposed to it. But I only submit, Sir, that, as I have just now said, "if you want equity you must do equity." This is the principle of law. If you want that the fixity of tenure may be secured to the tenant, then the rent of the zamindar should also be secured. It is only fair that the zamindar should have no difficulty in realizing his rents. It is already a matter of grievance that under the existing Act a very long procedure has to be adopted in connexion with suits for ejectment for non-payment of rent. To make a tenant good it is necessary that he should have a warning that if he has certain advantages, he would lose them if he does not behave properly. By proper behaviour of a tenant I mean that he should be punctual in paying his rent. As if it was not sufficient that a period of fifteen days was allowed to the tenant after a decree was passed in favour of the landlord, and as if it was not sufficient encouragement to the tenant to become a defaulter, an additional provision has been made of a different kind under which the landlord will have to give a notice to the tahsildar and will have to approach the court before any ejectment can be obtained. I distinguish an ejectment for non-payment of rent from an ordinary ejectment. The ejectment for non-payment of rent is really one which makes the tenant regular and particular in payment of rent. The new provision will make the tenants defaulters and spoil their habits. I can cite innumerable cases in which tenants have delayed the payment by incurring only a small amount on court expenses, for as much as four months. This is the calculated period that is taken from the time the landlord sues his tenant up to the time the tenant is forced to pay rent. I particularly draw the attention of the Government as well as of the members of the Select Committee to the fact that there are leases rightly or wrongly given under special contracts, and this frequently happens in my part

[Khan Bahadur Shaikh Masud-uz-Zaman.]

of the province where land is cheap. The landlord there does not mind giving permanent leases if he gets a good rent, and such leases are often executed there with the proviso that the tenant will be ejected for non-payment of rent. Now this condition of contract under the ordinary Indian Contract Act is perfectly legal, but when it is declared an agricultural tenancy section 59 is applied and invalidates this condition and the lessee gets the same amount of time as an ordinary occupancy tenant. This is very unfair. The zamindar, on the chief consideration that he would be able to realize his rents promptly, made a contract and gave permanent leases, but by technicalities of law the tenant gets the same advantage as an occupancy tenant or as a statutory tenant would now get. I think that this thing must be seriously taken notice of that those tenants who having specially agreed to pay rent at a fixed time under a lease by contract do not pay it at the proper time will be ejected for non-payment of rent promptly. The provision must be made that they should not be allowed to take advantage of clause 80 as provided in the proposed Bill; they should be dealt with under the ordinary Civil Procedure Code and the Indian Contract Act. And this can be done under the Agra Tenancy Act, because all the procedure that will have to be adopted will be under the Civil Procedure Code. So, without transgressing the higher Act, that is, the Indian Contract Act, you can put in a proviso that all permanent leases which under special contract provide for ejectment for non-payment of rent may be excluded from the operation of the procedure of this Act, i.e., proposed clause 80 and be governed by ordinary Civil Procedure Code as contracts under Indian Contract Act will be treated.

The other thing is that I thought in the beginning that section 57 of the present Act was a very useful thing. I think the old principle that the land must belong to the man who can work on it or that more land should be given to those tenants who are good tenants, who can work on that land and can improve it, must be retained. Now this principle was very nicely supported by section 57. That provided for stopping the tenants from doing detrimental acts to the land I thought that now that things were improving, now that tenants and zamindars were both realizing the value of land and of modern improvements, this section would be made more strict. Instead of that, I notice in the Bill that not only has improvement not been made, but one or two sub-clauses have been taken away from section 57 and strictness over the tenant has to a certain extent been removed.

My friend Dr. Shafa'at Ahmad Khan pointed out that the method of consolidation through the Collector was a wrong principle and he quoted the instance of the Punjab. I do not know what the conditions in the Punjab are, but I do believe that we cannot apply those conditions to the United Provinces. Apart from other considerations, I think that this consolidation can never be made effectively without the interference of the Collector. In fact no arrangement on the material question can be arrived at through the medium of the co-operative society or any other society like this. I can cite an instance in which out of 500 bighas 16 bighas was occupancy and those sixteen bighas could not for any price be transferred to the zamindar till at last the Collector came forward and persuaded the tenant, who had to be paid very highly before he gave up

his rights. So if it becomes law and consolidation becomes necessary anywhere, I think it will not be possible without the interference and without the authority of the Collector to get the thing done.

I hope these few remarks will be taken into consideration.

Khan Bahadur Hakim Mahbub Ali Khan :

جناب والا —

ہم کو یہ بتایا گیا ہے کہ یہ مسودہ جو آج پیش کیا جا رہا ہے اُس کی یہ غرض اور مقصد ہے کہ وہ آئندہ کاشتکاران اور زمینداران کے مابین نہایت اچھے تعلقات پیدا کر دے تاکہ دونوں طبقہ آرام اور آسائش کے ساتھ اپنی زندگی بسر کر سکیں اور مقدمہ ہازی کا سلسلہ قطع ہو جائے نیز کاشتکاران کو ایسا موقع ملے کہ وہ اپنی زمین کی کافی و واقعی ترقی کر سکیں۔ اگر واقعی یہ مسودہ ایسا ہوتا جیسے کہ اس کے صفات بیان کیئے جاتے ہیں تو میں نہایت خوش دلی سے اس کا خیر مقدم کرتا لیکن مجھے کو ابھی تک یقین نہیں ہے کہ واقعی یہ مسودہ ان خوبیوں سے مصنف ہی اس میں کوئی شک نہیں ہے اور ہم زمینداران اس کو اچھی طرح سمجھتے ہیں کہ جس طرح ہمارے حقوق کاشتکاروں پر ہیں اُسی طرح سے کاشتکاروں کے حقوق ہم پر بھی واجب ہیں اور اُس کا ادا کرنا ہم پر لازمی ہے۔ ہم اُن کو ہر مراعات دینے کے لیئے تیار ہیں جس کے کہ وہ ہم سے مستحق ہیں *

جو حقوق ہم دے سکتے ہیں اُن کے دینے میں ہم کو انکار نہ ہونا چاہیئے مگر ایک مسئلہ ہے کہ مراعات کن چندان کہ خود راخوار نہ سازی۔ ہم زمینداران کاشتکاروں کے متعلق یہ سمجھتے ہیں کہ یہ کاشتکار ہماری دودھار گائیں ہیں ہم جس قدر خوش دلی سے ان کی پرورش کرینگے وہ ہمارے اور اُن کے دونوں کے لیئے مسرت اور منفعت کا باعث ہوگا۔ مجھے کو اس سے انکار نہیں ہے جیسا کہ ہمارے بعض مخالفین فرماتے ہیں کہ زمینداروں میں ایک فرقہ ایسا ہے جو کاشتکاروں کو دودھار گائے نہیں بلکہ بکری سمجھتا ہے اور ہر وقت اُن کا خون چوسنے اور گوشت کھانے کی فکر میں رہتا ہے میں بہت زور سے جتا دینا چاہتا ہوں کہ ایسے زمیندار ہرگز اُس طبقہ میں سے نہیں ہیں جن کا باپائی اور خاندانی پیشہ زمینداری تھا بلکہ وہ اُس طبقہ میں سے ہیں جن کو کہ انقلاب زمانہ نے زمیندار بنا دیا ہے اور اُن کو اپنے کاشتکاروں کے ساتھ کوئی ہمدردی نہیں ہے میں اس کو تسلیم کرتا ہوں کہ ایسے ہی زمینداروں اور اُسی طرح کے حق ناشناس کاشتکاروں کی اصلاح کے لیئے ایسے قانون کی ضرورت ہے جو دونوں فرقوں میں اعتدال قائم رکھے اور کسی فریق کو حد سے تجاوز نہ کرنے دے اور وہ طاقت جو ایسا قانون بنا سکتی ہے گورنمنٹ ہے *

میں سمجھتا ہوں کہ اس مسودہ میں یہ اوصاف نہیں ہیں کہ کسی فریق کو دوسرے کی حقوق پر دست درازی سے روک دے اور کوئی کسی کے حق سلب نہ کر سکے بلکہ صاف ظاہر ہے کہ اُس کے ذریعہ سے ایک فریق کے حقوق سلب کر کے دوسرے کو داؤے جارہے ہیں *

میں سب سے پہلے اس مسودہ کی اس اہم دفعہ کے متعلق کچھ عرض کرنا چاہتا ہوں کہ اس کی نسبت گورنمنٹ کی جانب سے یہ کہا جاتا ہے کہ وہ آئندہ زمین کی

[Khan Bahadur Hakim Mahbub Ali Khan.]

حیثیت میں ترقی کا موجب ہوگی اور مقدمہ بازی کو کم کر دیگی اور کاشتکاروں اور زمینداروں کے اطمینان سے زندگی بسر کرنے کا ذریعہ ثابت ہوگی یعنی حق حین حیاتی کا دیا جانا - گورنمنٹ کی جانب سے اس پر ہر طریقہ سے زور دیا جا رہا ہے لیکن زمیندار اس کو جابرانہ احکام کا نمونہ سمجھتے ہیں جس کے ذریعہ سے واجبی اور قدیمی حق اُن کا سلب کر کے کاشتکاروں کو دیا جا رہا ہے - گورنمنٹ کی طرف سے یہہ کہا جا رہا ہے کہ پہلے قانون میں ہم نے اسی غرض سے ایک دفعہ بنائی تھی جس میں کہ ہفت سالہ پتوں کے رواج دینے کے واسطے ایک دفعہ تھی لیکن زمینداروں نے اُس کا کافی استعمال نہیں کیا جس سے کہ دفعہ مذکور سے کافی فائدہ نہ ہوا اور اسی وجہ سے ہم یہہ چاہتے ہیں کہ حق حین حیاتی عطا کرنے کے لیے اس میں اختلافات کریں - میں یہہ دکھانا چاہتا ہوں کہ آیا حق حین حیاتی عطا کرنے سے یہہ فائدہ ہونگے جو ظاہر کیئے گئے ہیں برعکس اس کے یہہ نتیجہ ہوگا کہ ہمارے اور کاشتکاروں کے مابین بدمزگی اور مقدمہ بازی بڑھ جائیگی اور وہ لوگ اس کی وجہ سے زمین کی حیثیت کو خراب کر دینگے اور ہمیشہ دونوں فریقوں میں بے اطمینانی رہیگی - میں یہہ جتنا چاہتا ہوں کہ اس حق حین حیاتی سے نہ کاشتکاران کو اطمینان ہوگا اور نہ زمینداران کو کیونکہ زندگی کا کوئی بھروسہ نہیں ہے ہمیشہ کاشتکار کو یہہ خوف رہیگا کہ یہہ زمین صرف میری زندگی تک اور اُس کے پانچ سال بعد تک ہمارے یہاں رہیگی ممکن ہے کہ وہ ایک یا دو سال ہی زندہ رہے اس لیے کوئی ضرورت اس اراضی پر روپیہ صرف کرنے کی نہیں ہے اور زمیندار کو یہہ خدشہ رہیگا کہ اگر اس کاشتکار کی عمر کی رسی دراز ہوگی اور یہہ ۲۵ - ۳۰ سال تک زندہ رہا اور زمین تو پانچ سال بعد تک اس کے درنا کے پاس رہیگی تو اتنی مدت کے لیے جو ایک بددوست کی میعاد سے بھی زیادہ ہے وہ کیوں اس پر اپنا روپیہ خرچ کرے جس کا فائدہ دوسرا اٹھائے لہذا کسی کو اطمینان نہ ہوگا اور نہ کوئی زمین کی ترقی پر آمادہ ہوگا - علاوہ اس کے یہہ مقدمہ بازی کا بھی ذریعہ ہونگے - حق شرکت کاشت کو ابتدا وسیع کر دیا گیا ہے کہ جس سے طرح طرح کے جھگڑے پیدا ہونگے ہر شخص شریک کاشت کی تعریف میں آسکتا ہے اور مجھے کو اندیشہ ہے کہ کاشتکاروں کے درنا اُس کے مرنے کے بعد پانچ سال تک قابض رہیں ہر کاشتکار کے پس ماندگان گھر والے اور دیگر اشخاص اپنے کو شریک کاشت ثابت کیا کرینگے اور پتواریوں کے بیجا اختیارات میں اور اضافہ ہو جائیگا اور اُن کا قلم تیز ہونا ہی ہے وہ اُن کے گھر والوں کے نام بھی شرکت کاشت میں درج کر سکیں گے اس صورت میں مقدمہ بازی اور باہمی ناخوشی اور بڑھتی جائیگی اور یہہ سلسلہ حق حین حیاتی غیر متغی ہو جائیگا اور میں نہیں کہہ سکتا کہ کتنی مدت کے بعد اور کتنی مہمات کی حق حین حیاتی کا سلسلہ ختم ہوگا بجائے اس کے کہ اس حق کے عطا کرنے سے یہہ فائدہ حاصل ہوں کہ مقدمہ بازی کا سلسلہ منقطع ہو اور کاشتکار اور زمیندار دونوں اطمینان سے زندگی بسر کر کے اراضی کی ترقی حیثیت میں کوشاں ہوں اور اس سے ایک نقص یہہ بھی پیدا ہوگا کہ اگر ہمیشہ کے لیے یا مدت دراز کے لیے کاشتکاروں کو قابض

کر دیا گیا تو جو نسلیں کہ بالفعل بطور شکمی کاشتکار کے اراضی کاشت کرتی ہیں یا آئندہ کاشتکاری پیشہ ہونا چاہتی ہیں وہ محروم ہو جائیں گی اور اُن کو اُن زمینوں سے کوئی فائدہ نہ ہو سکیگا اور پھر جیسا کہ اب تک پے در پے کیا جا چکا ہے گورنمنٹ اُس قانون کو بھی ناقابلِ اطمینان بنا کر جملہ کاشتکاروں کو حق دخیلکاری دینے جانے کی تجویز پیش کرے گی اور اُس وقت یہہ راز کھل جائیگا کہ موجودہ دفعہ حق دخیلکاری دلانے کے لیئے تمہید تھی *

ہم کو یہہ بھی بتایا گیا ہے کہ حق حینِ حیاتی کے عیوض میں ہم زمینداروں کے لیئے سیر کا حق دیتے ہیں اور یہہ بہتر ہے میں سمجھتا ہوں کہ سیر کا حق عطا کرنا کوئی رعایت نہیں ہے اور نہ زمینداروں پر احسان ہے بلکہ حقیقت میں یہہ ایک انصاف کیا جا رہا ہے جو گورنمنٹ پر فرض ہے اور اِس طرح گورنمنٹ اپنا فرض ادا کر رہی ہے۔ موجودہ قانون سے پہلے ہمیشہ زمیندار کو سیر پیدا کرنے کا حق حاصل تھا اور یہہ نہایت جبر اور ایک زبردست زیادتی تھی جو پچھلے قانون کے بنانے کے وقت زمیندار کے ساتھ کی گئی تھی کہ اُس کو سیر حق پیدا کرنے سے قانوناً ممنوع کر دیا گیا تھا۔ اب اگر گورنمنٹ اُس خبر کو دور کر دینا چاہتی ہے تو وہ ایک انصاف کرتی ہے نہ کہ رعایت لیکن میری یہہ عرض کرونگا کہ یہہ جو کہا جا رہا ہے کہ حقوق سیر عطا کیئے جا رہے ہیں یہہ ایک سیلاب اور سبز باغ ہے جو زمینداروں کو دکھایا گیا ہے جس سے زمیندار کبھی مطمئن نہیں ہو سکتے اُس کے حاصل کرنے میں بہت سے شرائط اور قیود لگا دیئے گئے ہیں مثلاً پہلی شرط یہہ رکھ دی گئی ہے کہ جب کاشتکار کے پاس دس بیہہہ پختہ سے کم رقبہ نہ ہو اور دس بیہہہ سے زائد ہونے کے حالت میں بھی یہہ شرط ہے کہ کاشتکار کی تمام خاندان کی پردریش کے واسطے کافی ہو تب اُس کے حاصل کرنے کی درخواست کلکٹر سے کی جاسکتی ہے لیکن یہہ ثابت کرنا آسان نہیں ہے اُس نے واسطے مقدمہ بازی ہوگی جس کا تصفیہ حاکم کے ہاتھ اور قلم میں ہوگا اور اُن کی روشنی ظاہر ہے۔ کلکٹر کا یہہ کہدینا کہ وہ کافی نہیں سمجھتے رکاوٹ کے واسطے کافی ہے ایسا کوئی فائدہ نہیں بتایا گیا ہے کہ کتنے ایک خاندان کو کافی ہے کس اراضی کے حاصل کرنے کے واسطے معاوضہ دینے جانا لازمی تجویز کیا گیا ہے۔ اگر کسی زمیندار نے جو تیس ایکڑ اراضی کا مالک ہے اپنی اراضی بیس روپیہ فی ایکڑ لگان کے حساب سے آج کاشتکاروں کو دی تھی اور مقرر ایک سال بھی کاشتکاروں کو زمین دینے ہوئے نہیں گذرا ہے زمیندار کو اِس بل میں یہہ حق دیا گیا ہے کہ وہ پندرہ ایکڑ اراضی حاصل کر سکتا ہے بشرطیکہ متذکرہ بالا امور مانع نہ ہوں۔ تو ایسی حالت میں اُس کو اِس پندرہ ایکڑ زمین حاصل کرنے کے واسطے جس میں اُس کو صرف تین سو روپیہ حاصل ہوئے ہیں جس میں سے ایک سو پچاس روپیہ مالگزار کی تخمیناً گورنمنٹ کو دے چکا ہے اب بارہ سو روپیہ کاشتکار کو دے۔ کتنی ظالم کی بات ہے کہ ہم کو خود اپنی ہی وہ زمین جس کو کل ہم نے کاشتکار کو دیا تھا واپس لینے کے واسطے مجبور کیا جاتا ہے کہ ہم اُس کو بارہ سو روپیہ دیں تب پاسکینگے غریب زمیندار یہہ بارہ سو روپیہ کہاں سے

[Khan Bahadur Hakim Mahbub Ali Khan.]

لئے اگر ساھوکار سے قرض روپیہ لیکر دیتا ہی تو اُس کا نتیجہ یہ ہوگا کہ سپر کا حق تو اُس کو دس سال کے بعد حاصل ہوگا لیکن ساھوکار پانچ سات ہی سال میں کل تیسوں ایکڑ زمین ٹیلام کرا لیگا۔ بجائے اُس کے کسی جزو میں پیدا کر کے اپنے بچوں کے واسطے آئندہ کو اطمینان حاصل کرنا کل سے ہاتھ دھو بیٹھ لیگا نتیجہ یہ ہوگا۔ یا تو یہ من رسی من بخدا می رسم۔ اور وہ زمیندار جن کا پیشہ کاشتکاری ہی اور اُن نے بچے اپنی ملکیت اور پیشہ دونوں سے ہاتھ دھو کر مزدوری کرتے پھرینگے۔ ایسے چھوٹے اور غریب زمینداروں کے واسطے جو حقیقتاً کاشتکار کہلانے کی مستحق تھے کوئی خاص بات نہیں رکھی ہی۔ اگر اُپر کی صوبہ میں چھ لاکھ دو ہزار تین سو سات زمیندار ایسے ہیں جن کی مالگداری ایک سو روپیہ سے بھی کم ہی وہ کیا کرینگے اگر کسی زمیندار کے پاس ایک بیگھ زمین ہی تب بھی وہ معذور ہی کہ اُس میں سے دس سو کاشتکار کو دے کیا اچھا انصاف ہی کوئی حد ایسی مقرر نہیں کی گئی کہ اگر وہ اُس قدر اراضی کا مالک ہی تو اُس کو اپنی کل اراضی خود اپنی کاشت میں رکھنے کا حق باقی رہے *

بارجود تمام شرائط پورا کر دینے کے کلکٹر کو اختیار ہی کہ اگر مناسب سمجھے تو زمیندار کی درخواست منظور کرے ورنہ نہیں۔ کلکٹروں کی حالت یہ ہی کہ صوبہ اودھ میں منجمد سات ہزار درخواستوں کے صف سات سو درخواست منظور کی ہیں بارجود اُس کے کہ وہاں قانون ہی کوئی رکاوٹیں نہ تھیں ایسی حالت میں ہم کو کلکٹروں سے کیا اُمید ہوسکتی ہی اگر حق حین حیات کاشتکاروں کو دیا جانا مفید اور ضروری ہی تو میرے سمجھ میں نہیں آتا کہ سہکاری علاقہ اور اِملاک میں کاشتکاروں کو یہ حق کیوں نہیں دیا گیا ہی۔ وہاں تو کسی قبہ پر حق دخلکاری بھی حاصل نہیں ہوتا اور نہ ہی بارجود اُس کے کہ میری رائے ہی کہ عام اصول کے مطابق جو ہر ملک اور قوم میں رائج ہی کہ ہر شخص کو اپنے ملکیت پر پورا اختیار ہی زمیندار کو بھی جو زمین کا مالک ہی اپنی زمین پر پورا حق ہونا چاہیئے میرا خیال ہی کہ اگر بجائے حق میں حیاتی دیئے جانے کے کہ ہر اراضی کے لئے جو کاشت کی غرض سے دی جائے یا نہی گئی تو ہفت سالہ میعاد مقرر کر دی جائے تو زمیندار اُس کو منظور کر لینگے اور کاشتکاروں کے لئے بھی مفید ہوگا۔ یہ میعاد گورنمنٹ نے خود مقرر اور پسند کی تھی اعتراض صرف یہ تھا کہ زمینداروں نے اُس پر عمل نہیں کیا وہ دفع ہو جائیگا۔ میں اور نقایص کے متعلق بھی عرض کرنا چاہتا تھا مگر چونکہ وقت تنگ ہو گیا ہی اور مجھے کہ جارہا ہی کہ اب تقریر کو ختم کروں اِس لئے میں اب اپنی تقریر ختم کرنا ہوں *

Dr. Ganesh Prasad: I beg to move that the debate be adjourned until tomorrow.

The motion having been put and agreed to, the Council was accordingly adjourned to the following day.

APPENDIX A.

(See page 300 *supra*.)

To be placed on the table of PANDIT BHAGWAT NARAYAN BHARGAVA
SAHIB on March 29, 1926.

(Referred to in answer to starred questions Nos 40 and 42.)

Province of Agra.					The rate of pay drawn by the Chief Registration Clerk.	The number of assistants to Chief Registration clerks, if any.
					Rs.	
1.	Saharanpur	..	..	..	60	1
2.	Meerut ..	..	..	..	65	1
3.	Aligarh ..	..	..	..	60	1
4.	Agra ..	..	..	..	65	1
5.	Farrukhabad	..	..	..	60	1
6.	Mainpuri	..	..	..	65	1
7.	Bareilly	..	..	..	65	1
8.	Pilibhit	..	..	..	45	nil.
9.	Moradabad	..	..	..	60	1
10.	Budoun	..	..	..	60	nil
11.	Shahjahanpur	..	..	..	65	nil.
12.	Cawnpore	..	..	..	65	1
13.	Banda ..	..	..	..	45	nil.
14.	Allahabad	..	..	..	65	1
15.	Jhansi ..	..	..	..	45	nil.
16.	Benares ..	..	..	..	60	1
17.	Mirzapur	..	..	..	45	1
18.	Jaunpur	..	..	..	65	nil.
19.	Ghazipur	..	..	..	60	nil.
20.	Gorakhpur	..	..	..	65	1
21.	Azamgarh	..	..	..	60	1
22.	Naini Tal	..	..	..	45	nil.
23.	Almora ..	..	..	..	45	nil.
24.	Garhwal	..	..	..	40 - $\frac{10}{2}$ - 60	nil.
ODDH						
25.	Lucknow	..	..	..	65	1
26.	Hardoi ..	..	..	..	45	nil.
27.	Sitapur ..	..	..	..	60	1
28.	Gonda ..	..	..	..	60	1
29.	Fyzabad	..	..	..	60	1
30.	Rae Bareli	..	..	..	65	1

APPENDIX B.

(See page 301 *supra*.)*Statement.*

					Number of days	
					Last winter season.	Current winter season up to end of February, 1926.
Tahsildar, Jhansi	..	..	..	..	63	57
Tahsildar, Mau	..	..	..	..	47	49
Tahsildar, Lalitpur	..	..	..	..	42	39
Tahsildar, Garotha	..	..	..	..	46	59
Tahsildar, Mahroni	..	..	..	..	63	38
Tahsildar, Moth	..	..	..	..	23	45

APPENDIX C.

(See page 301 *supra*.)

Statement referred to in answer to starred question No. 51 for March, 29, 1926.

SINCE October 1 to February 26, 1926, there have been 4,755 seizures and 3,224 deaths. All the three tahsils of the district are affected.

The staff engaged on plague duty in the Ghazipur district consists of the following :—

(i) District health staff :—

(1) District medical officer of health.

(2) Assistant district medical officer of health.

(ii) One special health officer.

(iii) Two public health travelling dispensaries.

(iv) One reserve duty medical officer.

All of these are engaged in plague inoculation work and plague propaganda work throughout the district.

11,967 inoculations have been performed, during the present plague season, by the public health staff.

In addition plague inoculation is also carried on by the medical officers of the headquarters and fixed dispensaries throughout the district.

A staff of three sanitary inspectors one per tahsil, and a gang of labourers per tahsil have also been maintained for the disinfection of houses and cleaning the infected sites.

Steps are being taken for erecting huts for the poor classes, but they have already been persuaded to evacuate their houses, and practically in all villages people have evacuated their houses.

People were advised to disinfect their houses with crude oil emulsion.

A grant of Rs. 500 was made to the district magistrate for plague preventive measures during the current plague season.

APPENDIX D.

(See page 307 *supra*.)

*Statement showing the clerical establishment of the office of the
Director of Public Health, United Provinces, Lucknow.*

Name.	Designation.	Religion.	Date of the appointment to the present post during the last two years.
<i>Permanent staff.</i>			
Khan Sahib Hafiz Mohi-ud-din holds the combined post of the Head Assistant and the Secretary, Board of Public Health, United Provinces. He draws pay as secretary.			
1. Munshi Abdul Hakim ..	Head clerk ..	M	
2. Babu Brij Lal ..	2nd do. ..	H	
3. Munshi Tahir-ud-din ..	3rd do. ..	M	
4. Babu Maharaj Bahadur Srivastava, ..	4th do. ..	H	
5. Babu Shyam Behari Lal ..	5th do. ..	H	
6. " Ambey Shanker Tandon ..	6th do. ..	H	
7. Munshi Raihanul Haq ..	7th do. ..	M	
8. Babu Baldeo Prasad ..	8th do. ..	H	
9. " Shoo Nandan Lal ..	9th do. ..	H	
10. " Debi Prasad ..	10th do. ..	H	
11. Pandit Babu Ram ..	11th do. ..	H	
12. Babu Har Narain ..	12th do. ..	H	
13. " A. C. Banerji ..	13th do. ..	H	
14. " Bishamber Nath ..	14th do. ..	H	November 1, 1925.
15. " Jumna Prasad ..	15th do. ..	H	Ditto.
16. " Shivnath Sahai ..	16th do. ..	H	Ditto.
17. " Brij Bahari Lal ..	17th do. ..	H	Ditto.
18. " Moti Lal ..	18th do. ..	H	Ditto.
19. Munshi Sharif Khan* ..	19th do. ..	M	March 8, 1926.
20. " Abdul Quddus ..	20th do. ..	M	
21. " Taqi Ahmad ..	21st do. ..	M	
22. " Zainul Abdin ..	22nd do. ..	M	November 1, 1925.
<i>Temporary clerks.</i>			
23. Mr. S. Charles ..	Typist ..	O	November, 16, 1925.
24. Babu S. Bhattacharji ..	Clerk, Plague Research branch. ..	H	March 3, 1926.
25. " P. C. Banerji ..	Do. ..	H	August 11, 1925.
26. Munshi Iftikhar Husain ..	Clerk ..	M	March 3, 1926

* Was 2nd clerk, office of the Assistant Director of Public Health (Malariaology). Has been transferred on the strong recommendation of Major J. A. S. Phillips, i.m.s., in place of Mr. Wilson who resigned.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Tuesday, March 30, 1926.

THE Council met in the Council Chamber, Lucknow, at 11 a.m.,
Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT :

(80)

Hon'ble Sir Samuel O'Donnell.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Hon'ble Rai Rajeshwar Bali.
Hon'ble Thakur Rajendra Singh.
Hon'ble Nawab Muhammad Yusuf.
Mr. G. B. Lambert.
Mr. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. B. D'O. Darley.
Mr. H. A. Lane.
Mr. R. L. Yorke.
Mr. R. Burn.
Mr. A. W. Pim.
Mr. B. J. K. Hallows.
Mr. C. M. King.
Mr. H. G. Billson.
Mr. R. J. S. David.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Carke.
Raja Muhammad Ejaz Rasul Khan.
Raja Bahadur Brij Narayan Rai.
Mr. H. David.
Babu Khem Chand.
Babu Sangam Lal.
Babu Jai Narayan Chaudhri.
Babu Bhagwati Sahai Bedar.
Thakur Manjit Singh Rathor.
2nd Lieut. Chaudhri Balwant Singh.
Rai Sahib Lala Jagdish Prasad.
Chaudhri Jaswant Singh.
Rai Sahib Chaudhri Sheoraj Singh.
Pandit Nanak Chand.
Rai Bahadur Bhu Ram Nath Bhargava.
Rai Bahadur Pandit Kheragjit Misra.
Lala Dhakan Lal.
Babu Nemi Saran.
Chaudhri Badao Singh.
Rao Sahib Kunwar Sardar Singh.

Thakur Sadho Singh.
Pandit Brijnandan Prasad Misra.
Pandit Jhanni Lal Pande.
Lieut. Raja Durga Narayan Singh.
Raja Narayan Pratap Singh.
Babu Parsidh Narayan Anad.
Raja Sri Krishna Dutt Dube.
Rai Sahib Bhu Dip Narayan Roy.
Rai Bahadur Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.
Pandit Baijnath Misra.
Mr. Mukundi Lal.
Rai Bahadur Thakur Mashal Singh.
Mr. Zahur Ahmad.
Mr. Muhammad Aslam Saifi.
Maulvi Zahur-ud-din.
Rao Sahib Abdul Hameed Khan.
Lieut. Nawab Jamshed Ali Khan.
Khan Bahadur Chaudhri Amir Hasan Khan.
Mr. Muhammad Ismail Ali Khan.
Maulvi Muhammad Obaid-ur-Rahman Khan.
Dr. Zia-ud-din Ahmad.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Shaikh Masud-uz-Zaman.
Khan Bahadur Mr. Muhammad Ismail.
Maulvi Abdul Hakim.
Dr. Shafa'at Ahmad Khan.
Sayyid Muhammad Ashiq Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Bahadur Hakim Mahbub Ali Khan.
Khan Bahadur Mr. Ashiq Husain Mirza.
Khan Bahadur Munshi Siddiq Ahmad.
Raja Sayyid Ahmad Ali Khan Alvi.
Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Mr. St. George H. S. Jackson.
Lala Behari Lal.
Rai Bahadur Lal Mathura Prasad Mehrotra.
Raja Shambhu Dayal.
Lieut. Raja Shaikh Imtiaz Rasul Khan.
Dr. Ganesh Prasad.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

*1. **Khan Bahadur Shaikh Masud-ud-Zaman** : [*Transferred to the agenda of April 8, 1926.*]

SUBORDINATE JUDGE'S COURT, BALLIA.

*2. **Dr. Ganesh Prasad** : Is it a fact that for the purpose of instituting a suit to be heard by the subordinate judge at Ballia, litigants of Ballia have to travel to Ghazipur? Is the Government aware that this means a great hardship to the Ballia litigants?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The court of the subordinate judge at Ballia is a temporary court. All Ballia suits are therefore filed in the court of the Subordinate Judge, Ghazipur, which is a permanent court and then transferred at once to the file of the Additional Subordinate Judge, Ghazipur, at Ballia. Government have consulted the High Court, who report that they are not aware that this arrangement causes any hardship to Ballia litigants. No suggestion that hardship exists in any way has been made to the Government.

*3. **Dr. Ganesh Prasad** : Is it the intention of Government to arrange matters so that Ballia original suits may be instituted at Ballia?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Owing to the scale of the staff provided in a temporary subordinate judge's court, it is impossible to make the arrangement suggested.

ARREST OF MAHADEO PRASAD, CAWNPORE.

*4. **Babu Narayan Prasad Arora** : Is the Government aware of the fact that one Babu Mahadeo Prasad Srivastava, proprietor of Army, Police and Equipment Supply Company, Cawnpore, was arrested by the local police on January 18, 1926, and his house was raided? On what implications was this done?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Babu Mahadeo Prasad Srivastava's house was searched on information received from a confessing dacoit. He was not arrested, but was required to remain in attendance while inquiries were being made.

*5. **Babu Narayan Prasad Arora** : Was the said Babu Mahadeo Prasad let off at night after the police informer failed to identify him?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : He was permitted to go the same evening when it had been established that the story told by the confessing dacoit was false.

*6. **Babu Narayan Prasad Arora** : Is it a fact that the police informer was persuaded by one J. N. Das, a prisoner in the district jail, Cawnpore, to implicate Babu Mahadeo Prasad in hope of getting a reward?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : This is believed to be the case.

*7. **Babu Narayan Prasad Arora** : What action, if any, has the Government taken against the said prisoner, and the officers who issued

such orders? Were these orders issued without making any inquiries about the respectability and character of Babu Mahadeo Prasad?

Hon'ble Lient. Nawab Muhammad Ahmad Sa'id Khan: The question of prosecuting the prisoner for giving false information is under consideration. No action has been taken against the officers who issued the orders, as they were acting in good faith in exercise of their legal powers under section 165, Criminal Procedure Code. The orders were issued without previous inquiries into the character of the individuals concerned.

**DELAY IN DISBURSEMENT OF PAY OF DISTRICT BOARD TEACHERS,
SHAHJAHANPUR.**

*8. **Thakur Sadho Singh:** (a) How many times during the last eighteen months have the salaries of district board teachers in Shahjahanpur been paid after two or three or four months? What other employees of the district board suffer a similar fate? What are the reasons?

(b) How much of the educational grant was appropriated for buildings or any other purpose during the last two years?

(c) Is it a fact that the office establishment and other staff drew their pay regularly all this period? If so, why was such preference shown to them?

(d) Did any teachers complain against such hardship? What punishment was inflicted or threatened to be inflicted upon them and for what fault?

(e) Who was responsible for such delays in disbursement of salaries? What action was taken against him?

(f) Is it a fact that similar delay is constantly occurring even now?

Hon'ble Nawab Muhammad Yusuf: An answer will be given at a later date.

**MR. AMIR HASAN KHAN, GOVERNMENT PLEADER, AND FATEHPUR
MUNICIPALITY.**

*9. **Pandit Sri Krishna Dutt Paliwal:** Will the Government be pleased to state if Mr. Amir Hasan Khan, Government Pleader, is a member of the Fatehpur municipal board?

Hon'ble Nawab Muhammad Yusuf: Yes.

*10. **Pandit Sri Krishna Dutt Paliwal:** Is it a fact that Babu Sankata Prasad, Pleader, filed an appeal in the court of the district magistrate against an order of the said municipal board?

Hon'ble Nawab Muhammad Yusuf: Yes.

*11. **Pandit Sri Krishna Dutt Paliwal:** Was the above appeal filed through Mr. Amir Hasan Khan?

Hon'ble Nawab Muhammad Yusuf: The appeal was actually filed by a *mukhtar* but was accompanied by a *rakalat-nama* signed and accepted by the Government pleader.

*12. **Pandit Sri Krishna Dutt Paliwal:** Is it a fact that Mr. Amir Hasan Khan appeared in a case decided on February 1, 1926, against the Fatehpur municipal board of which he is a member on behalf of Babu Sankata Prasad?

Hon'ble Nawab Muhammad Yusuf: Mr. Amir Hasan Khan did not appear in the case.

*13. **Pandit Sri Krishna Dutt Paliwal:** Does the Government propose to take steps against Mr. Amir Hasan Khan under section 40 of the Municipal Act, for having contravened section 40, clause (f) of the said Act? If so, when? If not, why not?

Hon'ble Nawab Muhammad Yusuf: The appeal was against an order of the outgoing board of which Mr. Amir Hasan Khan was not a member; and this was his reason for accepting the *vakalatnama*. Later he realized that his action was improper and refused to appear. The Government hold that under the circumstances no action is called for.

COCOGEM.

*14. **Nawabzada Muhammad Ejaz Ali Khan:** Is cocogem patented? Will the Government be pleased to lay on the table a statement of chemical test which has been made as to the ingredients of cocogem, so as to ascertain whether it contains all the wholesome, palatable, nutritious, and digestible components of pure *ghi*, which it proposes to offer itself as a substitute for?

Hon'ble Rai Bajeshwar Bali: It is not known whether cocogem is patented or not. The Public Analyst to Government, United Provinces, has examined a sample of cocogem and it has been found to be pure deodorized coconut oil containing no other fats of either animal or vegetable origin. The use of coconut oil as a substitute for *ghi* has been practised from the very earliest times in India and other countries. Cocogem is wholesome for cooking purposes and as nutritious as coconut oil.

THE PUBLIC ACCOUNTS COMMITTEE.

Hon'ble the President: The following are the eight members duly elected for the Public Accounts Committee. They were the only nominations received for the eight seats and therefore no election is necessary:—

1. Babu Jai Narayan Chaudhri.
2. Rai Sahib Babu Dip Narayan Roy.
3. Babu Khem Chand.
4. Rao Sahib Kunwar Sardar Singh.
5. Mr Muhammad Ismail Ali Khan.
6. Kunwar Surendra Pratap Sahi.
7. Mr H. David.
8. Rai Sahib Munshi Amba Prasad.

AGRA TENANCY BILL.

Rai Bahadur Thakur Mashal Singh: I rise to support the motion that the Bill be referred to a select committee. Yesterday we have had a very heated debate on the Bill and some of the honourable members from the Agra province criticized the provisions of the Bill in an excited manner. One or two members from among the Agra landholders denounced the Bill in very emphatic and strong language, though in

the end they did not oppose it but rather supported the motion for allowing the Bill to go to the select committee. The condemnation was perhaps heart-felt, and the recommendations for reference to the select committee was only due to courtesy and regard for the Hon'ble the Home Member and the Hon'ble the Finance Member. But I would ask them not to be so pe-simistic about the provisions of the Bill. If the Hon'ble the Finance Member has administered a quinine pill this time, perhaps in the other Bill which is going to be referred to the select committee, I mean the Revenue Bill, he is proposing to give them a dose of syrup of cardamom. The zamindars rightly feel that the provisions of the Bill are no doubt harder to them than the provisions of the existing law were. The concessions which the Government say they have made in regard to the creation of the right of *sir* and acquisition of land for agricultural and other purposes are simply shadowy and illusory. They have no substance in them. At the time when the Oudh Rent Act (Amendment) Bill was discussed in this Council we were assured that we had every right to acquire the land when we needed such land for cultivation or for other agricultural purposes; but our bitter experience is that out of seven thousand applications only about three or four hundred were granted. This provision should therefore be made a little more lenient to the zamindars when the Bill is finally passed, and I hope the members who have been elected to the select committee will see the advisability of making the provision a little more favourable to the zamindars than what it is. I certainly congratulate this House on having some two or three such magnanimous and generous-hearted landlords as the Raja Sahib of Tirwa and my honourable friend, Rai Bahadur Thakur Hanuman Singh. They always have the interests of the tenantry at heart. My honourable friend Rai Bahadur Thakur Hanuman Singh is sometimes even carried away by the enthusiasm for the support of the tenants. He perhaps proposed yesterday that the compensation for the land which a zamindar might acquire should be equal to the value of the land so that the tenant may be able to purchase land for his cultivation.

Rai Bahadur Thakur Hanuman Singh : I beg to explain that I mentioned that so that he may be able to purchase the right of occupancy or statutory right by paying nazrana to the zamindars.

Rai Bahadur Thakur Mashal Singh : Yes, but it is too much. I say I wonder how these proposals emanate from right-thinking people. A zamindar is the absolute owner of his land. How is it possible to take away those proprietary rights from him. What would you say of a tenant of a house who on being ejected comes forward and demands the whole price of the house? It is the landlord's property which he has simply given to a cultivator for cultivation. The latter has no right to demand any compensation for vacating the land which is required by the zamindars for his own use. It is simply infringing the rights of absolute ownership if such provisions are advocated in this House. The speech of Rai Bahadur Babu Vikramajit Singh, though he is neither a zamindar nor a tenant, was certainly very moderate, and I think the Bill should be considered in a dispassionate manner and we should side neither with the zamindars nor with the tenants but should be fair to both. The zamindars are losing their long-cherished rights. You can take these rights only by persuasion and conciliation but not by coercion. I hope the future of the Bill

[Rai Bahadur Thakur Mashal Singh.]

is promising. When the Oudh Rent Act Amendment Bill was on the anvil of legislation there was, I should say, if I may be pardoned for saying so, a tame elephant on the Government benches in the person of the Raja Sahib (now the Maharaja) of Mahmudabad, and this time I congratulate the Hon'ble the Finance Member on his having another tame elephant on his left side who will try to get the Bill passed. There will be no difficulty, and the members will all try to get it improved in the Select Committee and have it passed in the final reading. There are on the Select Committee very competent men. I would have suggested another man who is not only well versed in law but who knows much about the animal kingdom and can understand the language of frogs even; but any addition to the members of the Select Committee may make it unwieldy, so I do not say anything at the present moment. Anyhow it is not now necessary to go into the details of the provisions of the Bill, as they will have to be considered in the Select Committee and lastly when the Bill comes for its third reading in this Council.

Khan Bahadur Mr. Muhammad Ismail: The provisions of the Bill have been sufficiently discussed already, therefore I wish to confine my remarks to some of the clauses which I consider are defective and need modification. The first and foremost is clause 4, which is supposed to compensate for clause 19, which deals with life-tenancy. I agree with the Hon'ble the Finance Member that the provisions regarding *sir* rights are very valuable to a zamindar, and effort has been made to some extent to increase those rights in comparison to those given under the present Act, viz., Act No. II of 1901; but if you analyse it carefully you will find that it is only under sub-clause (d) that a new right has been conferred and for all practical purposes it is not a new right, as a zamindar who is already in possession of a field at the time of the commencement of the Act is not likely to give up the land and will continue to cultivate it for 10 or 12 years which will give him a right of *sir* in future. Therefore my submission is that we must go a little further and try to make clause 4 more acceptable to the zamindars. I find that absolutely no provision has been made in the clause for those zamindars who for some reason or other are not in cultivatory possession of their land for example, the estates under court of wards or when the proprietor happens to be a woman or a minor and is not in a position to cultivate her land herself. Such proprietors cannot claim the benefit of clauses (a) to (d). They cannot get their own land for cultivation unless they take advantage of section 40 which, as honourable members are aware, is a very involved section and confers only shadowy rights. It entirely depends on the sweet will of the collector whether the zamindar acquires land under clause 40 or not. There is another point to which I wish to invite the attention of the House in respect of clause 4. The scale laid down is not generous. I am not very anxious for big zamindars who hold many acres, but the case of the peasant zamindars, who are very poor and deserve as much consideration as ordinary tenants, has not been considered in this section. The scale lays down that zamindars who own 30 acres, can cultivate land as *sir* up to 50 per cent. of the total, that is to say 15 acres. I think it would be advisable to make the scale liberal as far as petty zamindars are concerned and to increase

the amount from 30 to 100 acres. I now come to section 19, which is the life of the Bill. I would like to congratulate the zamindars on receiving this change in a liberal spirit, because we know that outside this Council there is a great deal of feeling on the question, and small zamindars are very much excited and do not like losing the rights of ejectment over land which is in the possession of non-occupancy tenants. But it is only a question of give and take, as we were advised by the Finance Member that we ought to move with the spirit of the times and we ought to give fixity of tenure to tenants. Therefore, if the House is in favour of section 19, that is, of giving life tenure to non-occupancy tenants, my submission is that provision should be made for exceptional cases, for instance, in the case of land held under seven-year leases. In the districts of Gorakhpur, Basti, and Bulandshahr a considerable area is under seven-year leases. The proprietors relying on the law that was in force at the time spent a lot of money and time in getting leases executed by the tenants, and in some cases you will find that an entire village is held by tenants under seven-year leases. What would be the position of such zamindars under this Act? They would not have any plot which they could call their own. There ought to be some rigidity in every law, and legislation ought to be guarded. A law passed today should not be changed tomorrow, and in any case it should not have retrospective effect. This Bill, when it becomes law, should not affect the rights of such zamindars, and a period ought to be fixed at the expiry of the seven years when the zamindar should be allowed to take possession of the land or to give it over to the same tenant if he likes. Going further, we come to section 24, which deals with succession to tenancies. I am very much in favour of safeguarding the interests of the tenants and their families. We are all in favour of the tiller of the soil, but I do not see why sympathy should be extended to his cousin three times removed. I think this section should not be so wide, and succession should be confined to members of the family of the tenant and should not be extended beyond that to collaterals who have been living in the village or happen to come in the village a year before the last tenant dies. The present section 22 makes a provision for the collaterals who were joint with the last tenant. I think it would be much safer to confine the succession to the family of the tenant himself and not extend it to collaterals, specially when they are separate. Then we come to the clause which deals with the acquisition of land. If you read the section you will find that it really means nothing. It gives a right which can never be exercised or which can be exercised only in rare cases if the collector so wills it. It is dependent upon so many conditions which will probably always be found against the zamindar. We have heard from Thakur Mashal Singh that the experience of Oudh zamindars has not been very happy, and I am sure that if this clause is not considerably improved it will lead to much litigation and heart-burning and the zamindars will find they have got practically nothing under it. You may increase the amount of money to be paid to the tenants at the time of acquisition by way of compensation, but we must make it definite, and it should be obligatory on the collector to order the acquisition, provided it is meant for the cultivation of the zamindar himself and he gives suitable compensation, which may be twice the amount or three times the amount of annual rental in the case of statutory tenants and six, or, say, eight times in case of occupancy tenants. This is the only

[Khan Bahadur Mr. Muhammad Ismail.]

section which is an improvement on the last Act, and unless you make it real and effective you will find the zamindars will be dissatisfied with this Bill when it becomes law. Further on the provisions with regard to improvements would also require radical changes, and it should not be left to the tenant to make wells as expensive as he likes or arrangements for irrigation as expensive as he pleases. There should be some scale of investment proportionate to the area he possesses. Coming to the clauses dealing with enhancement of rents. This is also a very important part of the Bill and it requires serious consideration. Under the present Act abatement and enhancement of rent could be effected on the basis of rise and fall of the prices of grain. I do not see why this should be deleted in this Bill. It was a wholesome provision and I think no difficulty has arisen in places where it has been applied. In Government Gazettes the prices of grain are always notified and on the basis of that it is very easy to make out a formula on which the enhancement or abatement is to be worked. There are a number of other clauses which require modification, and, considering that the zamindars are making big sacrifices, it is only fair and proper that the Government and the House should not lose sight of their interest, particularly that of petty zamindars, and should endeavour to make such improvements as are considered fair and equitable. Being on the Select Committee, I do not consider it desirable to go into further details, and I hope that the House, when the matter comes up again for its consideration will consider the case of zamindars and tenants in a dispassionate spirit and give every party what is his due.

Rai Bahadur Lala Mathura Prasad Mehrotra: At the very outset I want to make it clear that I am not in favour of throwing out the Bill. I am in favour of this Bill being referred to a Select Committee. But, Sir, the draft that is before us is a complete overhauling of the Act of 1901. I for one think that a complete overhauling of that Act was not required and hope the honourable members of the Select Committee will seriously pay attention to this matter. The Act of 1901 was not so bad in principle as well as in context as to require a complete overhauling and the production of a new Bill. It was fully discussed in the then Legislative Council and passed in the time of Sir Antony (now Lord) MacDonnell. When the members of the Council had full opportunity of discussing the measure, I for one do not think that it requires a complete overhauling. I admit that it needs certain changes and hope that the committee will consider over them alone.

The Hon'ble the Finance Member in his speech gave two important reasons for the complete overhauling of the Act. The first reason, which he gave was that the present Act had increased litigation. The second point that he made out was that we ought to move with the times and that the times require a complete change of the Act, which is a mere sentimental appeal. I will take them both one by one. As regards the first point, that the Act has increased litigation, I accept the figures so far as they have been given by the Hon'ble Finance Member. Of course the average number of cases that were filed before 1901 was 57,000 per year and the average number of cases filed after that year rose to 127,000. But, Sir, he has missed one important reason for the large increase in the number of

cases after 1901. According to the Act of 1881, it was not necessary to give notice of ejectment to tenants, and the tenants considered that it was always in the interests of the zamindars and themselves to make compromises before they were dragged into law courts. So compromises were more common than suits. Under the Act of 1901 it was necessary for the zamindars to issue notices; and this made the tenants independent. They never cared for compromises unless notice was served and a suit was filed. The increase in litigation was perhaps due to this defect only and not to the whole Act.

As regards the second point, that we must move with the times, I am glad that the Hon'ble the Finance Member has given expression to this idea for once. I wish he could have a regard for it in each and every walk of life. I can quote a hundred and one examples in which we are not moving with the times and Government never cared to listen to us. We have been pressing for several reforms which are overdue, and we are pressing Government to move with the times; but they have never listened to us. I do not require to quote them here one by one. Coming to the Act itself, I consider that there are three fundamental points in it. I shall discuss them one by one. The first point is the extension of life tenancy to non-occupancy tenants. The second point is the consideration of the roster, year and the third is about devising a way to decrease litigation.

As regards the first point I submit that it has already been expressed by previous speakers that the percentage of non occupancy tenants to occupancy tenants is very low, i.e., the percentage of non-occupancy tenants is $23\frac{1}{2}$, while $76\frac{1}{2}$ per cent. are occupancy tenants. I admit, Sir, that we have accepted the principle in Oudh and I do say that the principle is but right. But we must consider the circumstances. The percentage of occupancy tenants in Oudh was only 2, while in Agra it is $76\frac{1}{2}$. We can acquire land for different purposes in Oudh from tenants whose percentage is 98, while in Agra the zamindar can only acquire from tenants who are only $23\frac{1}{2}$ per cent. No provision has been made in the Bill to enable the zamindar to acquire land from their occupancy tenants. As far as I could see there is such a provision in the Bengal Tenancy Act with a permanent settlement by which a zamindar can acquire land for certain purposes. So, Sir, if the Government are going to, make a provision in order to extend the privilege of acquiring lands for certain purposes from occupancy tenants as well I think our zamindar friends of the province of Agra will not fail to extend life tenure to non-occupancy tenants. No provision has absolutely been made for persons who wish to adopt the agricultural profession. Unemployment is the question of the day and it is just possible that after a few years people may realize that, as agriculture is the chief profession of India, they should turn their attention to it instead of going to law, medicine, and many other professions which are already overcrowded. What will be their fate then? They will not be able to find land for their cultivation, because after giving life tenure to non-occupancy tenants they will hardly find even two or three per cent. of tenants from whom zamindars could acquire land and give to new tenants.

The second question is the question of roster year. I think that is a very important question which has been accepted in Oudh, and I may say that the people of Oudh made a great blunder in accepting it. It was merely due to one or two supreme souls, who did all he could to

[Rai Bahadur Babu Mathura Prasad Mehrotra.]

promote the welfare of the taluqdars and to whom we are all indebted, that we yielded in the matter. But, Sir, the roster year system is harmful both to the zamindar and the tenant. Instead of extending the term of the settlement to sixty years, the Government will make a settlement after every ten or twelve years. The zamindars and the tenants will be left to the sweet will of the circle officers. Honourable members of the Council are aware how one class of persons differs from another. There are certain castes to whom the employment of labour is essential, while there are others who cultivate the land themselves. For example, how cheaply a Kurmi or a Kachhi can produce a crop, which a Thakur or a Brahman cannot, because the former with his whole family works in the field himself and the latter hires labour for the purpose. The circle officer will, however, work on the average produce of any plot, and so this system under which a fresh settlement will have to be made every ten or twelve years will operate harshly in the case of those tenants who do not themselves work in the fields.

It has been said that the Bill will reduce the number of ejectment suits. To my mind, section 40 of the Bill about succession will enhance litigation considerably, as pointed out by several honourable members. There will be increased litigation in the enhancement of rates, in acquisition of land and in the matter of ejectment suits. Thus there will be litigation from top to bottom. Sir, there can be no zamindar without a tenant, and no tenant without a zamindar. Both are relative terms. What is essential for the welfare of the zamindar is equally necessary for the welfare of the tenant, and it is only those who are either one or the other who can appreciate the position. I hope, therefore, that the members of the Select Committee will do justice to both the parties and bear the observations that I have made in mind.

Dr. Zia-ud-din Ahmad : The improvement of land and the improvement of education are the two most important questions which this Council has to discuss. If we want to improve the land, it is very desirable that we should establish harmony of interests and not rivalry of interests among the landlords and tenants, and a case has to be made out that under this Bill more harmonious relations will be established between the two parties, i.e. the landlords and the tenants. I entirely agree that it is very desirable to provide some security to tenants and especially to those tenants who are diligent and whose character is not in question. But if as I found out already 86 per cent. of the tenants hold occupancy rights (my honourable friend opposite has mentioned 78.5 per cent., but my information is 86 per cent. subject to correction), I think this number is already very large in the province. If the desire of the Government is to make every tenant an occupancy tenant, I would draw their attention to four very important difficulties for which provision should be made. The first thing is that if we get floods in any particular village and the tenants of that particular village shift to neighbouring villages, we should have some land for them to cultivate. If the whole of the land is in the permanent possession of tenants, it will not be possible to provide any kind of living for those persons who shift from one village to another. The second difficulty for which we should make provision is that, for instance, an occupancy tenant has got 100 bighas of land and only one son and another

occupancy tenant has got 25 bighas of land and has five sons. The net result will be that in the next generation in one case each person will have five bighas and in the other case one man will have 100 bighas, and it will be difficult to maintain equality of work. The third thing for which we should provide is that a landlord may like to introduce improved methods of agriculture on scientific lines and for this purpose he would like to have a large farm. This can only be possible, if he gets some of his land back from his occupancy tenants by providing some kind of compensation and it is necessary to make this provision in the Bill. If this is not possible, any kind of improved methods of agriculture on scientific lines will be an impossibility. The fourth thing, for which we should provide and which would be impossible if every tenant becomes an occupancy tenant, is that there are petty landlords in these provinces, and I understand that 83 per cent. of such landlords pay a land revenue of Rs. 100 or less. Some of them would try to take up the agricultural profession themselves, instead of letting out the land to agriculturists. If every portion of the land is given to cultivators in a permanent manner, it will be impossible for them to take up the profession of agriculture. On account of these four difficulties, which I have just mentioned, it is very desirable to keep at least some portion of land in reserve, and I think from 25 to 40 per cent. of the land should be reserved for the landlords to provide for the emergencies I have just enumerated. We should not make any attempt to make every tenant an occupancy tenant which is the object of the Bill to secure. The second thing to which I would like to draw your attention is the desirability of introducing grove planting.

The usual method adopted by the landlords at present is that they take up a plot of land, they grow certain groves and give it to tenants free of rent on the condition that they look after the trees. They say, "You look after the trees and pay nothing in rent." And usually it takes about seven to ten years to get these groves ready and the land is therefore given for a period of about seven to ten years. If after this period the tenant becomes the proprietor and has acquired proprietary rights, then the landlords will think many times before undertaking to plant any groves in their villages, and if they are discouraged in improving the groves, the prosperity of the villages will substantially suffer. They will have no wood for household purposes and no fruits. I think it is very desirable that some provision should be made to encourage the landlords to plant groves.

The next thing which I think it is very desirable to provide here is that the cultivators no doubt may spend some money for the improvement of land, but they should do so with the permission of the landlords. Suppose we have got a small landlord only getting rent of Rs. 100 and the cultivator invests Rs. 1,000 in sinking wells then it will take a very long time to clear off the whole amount and the poor landlord will be in a difficult position and will be deprived of his income for a long time to come till the amount, which is ten times the revenue, is paid up.

The next thing to which I should like to draw attention is that the landlords are required by the Government to pay the land revenue and the Government has got very easy methods of collecting land revenue from the landlords, but they have not provided equal facilities for collecting rent from the tenants. It is desirable that some easy method and

[Dr. Zia-ud-din.]

not an elaborate procedure which is now provided, should be devised by means of which they may be able to collect the rent more easily.

These are the few points to which I would like to draw the attention of the committee to which this Bill is going to be referred.

Bhaya Hanumat Prasad Singh: I rise to speak a few words by way of criticism about the proposed Agra Tenancy Bill. The first thing which I put forward is that it is an uncalled for Bill, i.e., there has not been a demand either from the zamindars or from the tenants. The Zamindars' Association has condemned it, the Kisan Sabhas have also condemned it. In other words, I should say that it has been condemned emphatically from all quarters and from every nook and corner. After going through the Bill I should say that it has been drafted on the lines of the Oudh Tenancy Act, but we have to consider that the conditions in Oudh are quite different from those in Agra. In Oudh the Tenancy Act was put before this House when there was a general demand from the tenants, but in Agra there has been no such demand either from the tenants or from the zamindars.

The second point of difference is that in Oudh there was a general rising among the tenants. The whole of Oudh was seething with discontent; they were dissatisfied with the previous Tenancy Law. It was owing to the discontent which was prevailing in Oudh that the Kisan movement arose and in almost all the districts of Oudh, Kisan Sabhas were formed; and in the meantime an outburst of feeling arose which in several places led to bloodshed. But there is nothing of the kind in Agra; everywhere there is peace and prosperity.

The third point is that at the time of the passing of the present Oudh Tenancy Act, only two per cent. of the land was occupied by occupancy tenants, but in Agra 55 per cent. of the cultivated land is in the possession of occupancy tenants.

The fourth point is that Oudh is a province which is full of landed magnates, whereas the province of Agra is a land of petty zamindars. Here petty zamindars are about 86½ per cent. of the total population of the zamindars. The big zamindars are only 13½ per cent. or even less than that. I think there can be no comparison between Oudh and Agra in the matter of Tenancy Legislation. A Tenancy Law which is suitable to the people in Oudh cannot be expected to suit those living in Agra as well.

Now let us take Tenancy Legislation in Agra. It was in 1859 that the first Tenancy Law came into being, but it was repealed in 1873 and gave place to another law. It also failed and did not achieve the purpose with which it was framed and was repealed in 1881. This Act also suffered the same fate and was repealed in 1901 and another law, which is the present Tenancy Law, was framed. Now, what do we see since the passing of the present Tenancy Law? We generally see that there has been a regular tug of war between the zamindars and the tenants. The zamindars on the one hand have always been trying that the tenant should not complete his 12 years on his holding. Whereas the tenants have always been trying that they should anyhow, whether by fair or foul means, complete 12 years on any holding under the same zamindar. As a natural consequence of this tug of war what we see is that there

have been continued ejectments and enhancements. Litigation owing to continued ejectments and enhancements rose very high. Fifteen per cent. of the total income of the zamindars is taken away by this litigation, and over and above that we have also seen that the present law has not been able to serve the purpose for which it was framed, that is, to acquire the fixity of tenure and a fair rent. These things, Sir, can never be attained unless there be fixity of land revenue. Since 1901 we have seen that the occupancy area has increased by $21\frac{1}{2}$ per cent. Now at this time when the new Tenancy Bill has been introduced in this House the non-occupancy area is only $23\frac{1}{2}$ per cent. What I mean by this is that this Bill will affect only that area which is under non-occupancy tenants. If it is at all needed that the present law should be changed and give place to a new law, then I will emphatically say that only that sort of law will be able to satisfy both the zamindars and tenants which is framed after giving full consideration to the conditions of the Agra province. Now I pass on and would like to examine the chief points of the Bill. The first point about which I wish to make a few observations is the creation of statutory rights. After its creation land will be seldom vacant. What I mean by this is that it will close the door to those young men who with the development and expansion of modern methods of agriculture are trying to have new openings by taking up agriculture. They will be compelled to keep themselves away from taking any share in the modern agricultural movements. It will, Sir, thus greatly jeopardize the interest of agricultural development in India. They will not be able to get land, because the whole of it will be occupied by statutory, ex-proprietary, and occupancy tenants. The second drawback will be the unequal distribution of land. Most of the people, who really require land, will not be able to get it according to their requirements, whereas some, who do not require it, will possess a large area of it, and the result will be that they will not be able to cultivate the surplus area by themselves but will naturally sub-let it. The other point is that it will hit very hard the petty zamindars who form about $86\frac{1}{2}$ per cent. of the total population of zamindars, though it will not affect much the big landlords in the Agra province. The next thing that I would like to bring before this House is that it will create some sort of litigation, i.e., with regard to the classification of tenants. What I mean by these criticisms is that they, along with the Bill that is going to be referred to the Select Committee, should be fully considered and that some safeguards should be provided in order to protect the interests both of zamindars and tenants.

Now, I come to the roster year. This system of roster year will naturally induce the zamindars to file suits of enhancement which in the end will result in heavy litigation. I think that there should be some provision in the Bill under which enhancement could be made without incurring heavy expenditure and without having recourse to litigation.

Then, there is the question of succession. I see and fully realize that the present tenancy law is not sufficient to meet the requirements of the tenants and some reform is needed and is badly needed. The present Bill has aimed at introducing a great deal of reform, but what I should like to point out is that it has gone too far, it is too liberal. The most objectionable principle that has been embodied in this Bill is

[Bhaya Hanumat Prasad Singh.]

that it gives the right of succession to the remote collaterals merely on the ground of their residence in the same village. What does it mean? It will create nothing and mean nothing but heavy litigation. It would be very difficult both for the tenant as well as for the zamindar to prove their case and the result will be continued litigation which will be ruinous to both of them.

The second objection which I have to raise in this respect is that daughter's son, being merely a dependant of the last tenant, can have no right of inheritance. It would be difficult to prove that the son of a daughter was in the village and lived as a dependant of the tenant who died. The other thing which I would like to propose is that brother's wife should also have a right of succession. This Bill is quite silent about this matter. About exchange I would like to point out that there ought to be no compulsory exchange. In line 3 after "land" the words "of similar quality and of similar advantages" should be added. Why do I propose this?

Hon'ble the President : The honourable member had better propose this when the Bill is before us for consideration and not now.

Bhaya Hanumat Prasad Singh : I propose this because it is quite possible that a tenant may in exchange get bad land and the other tenant may get good land and the tenant who gets bad land may after some experience give it up. The result will be a loss to the zamindar, he will not be able to let it to another tenant.

The next thing is about the facility in the realization of rent. In the present Bill I see that a zamindar will have to give a notice through the tahsildar in order to realize the arrears of rent. This is a long procedure; a zamindar cannot wait for such a long time. When the Government demands revenue just at the appointed time, how can a zamindar wait so long as to go to the tahsildar and give a notice through him and by this zigzag way be able to realize the rent. How absurd and how unjust it is. I do not mean that by adding some objectionable clause the tenants should be harassed. What I mean is that some more facilities should be given so that the zamindars may be able to realize their rent without any kind of trouble.

Passing on I come to the clause of sub-letting. Sir, sub-letting is an evil; rather it will do great harm to agricultural development. I do not see why simply for the sake of realization of rent a middleman should be created. The tenant who will sub-let a portion of his land will hold a position which will be like that of a middleman. The original tenant will collect rent from the sub-tenant and will pay it to the zamindar. I do not see any necessity for this middleman. That portion of land which a tenant desires to sub-let should be placed at the disposal of the zamindar and it is he who should give it to some other tenant. I have no objection in regard to some special cases, for example, (1) if a tenant is in jail, he should be authorized to sub-let his land, (2) if a tenant is of a sickly constitution even in that case he should be allowed to sub-let his land, (3) Further if a tenant is either a minor or a female, sub-letting should be allowed because without it he or she as the tenant may be will be put to great trouble and calamity. But if he is quite hale and hearty, he should not be allowed to sub-let his land simply for the sake

of his being idle. The land to be given to a sub-tenant should be transferred to the zamindar and it is he who should make such arrangement with regard to that land as he deems fit and proper.

Hon'ble the President : I think the honourable member had better make room for other honourable members now.

Bhaya Hanumat Prasad Singh : Allow just a few minutes, Sir, and I will finish the last point about which I would like to make some remarks—and it is the most important point—the groves and pasture-land. Till now we have seen that they were not included in the term “land” but now in the present Bill it has been clearly mentioned that groves and pasture-land are included in the term “land”, which really means that land revenue will be assessed on them.

Hon'ble Sir Samuel O'Donnell : No.

Bhaya Hanumat Prasad Singh : I am sorry I wrongly understood it. A Bill which deals with the agrarian problem has been drafted and is before the House. What I wish to say about this Bill is that it does not contain any clause with regard to pastures. The question of pastures in India is of such importance as no Bill dealing with the agrarian problem can be appreciated by the public without having some sections with regard to them. I see, Sir, that with the decrease of the area of pasture-land the cattle population is also decreasing day by day.

Hon'ble the President : The honourable member had better confine himself to the Tenancy Bill. He has taken long enough.

Bhaya Hanumat Prasad Singh : It is a general discussion, Sir, and I wish to say that there ought to be some clause to safeguard the interests of the zamindars and of the tenants with regard to pasture-land on which their material prosperity depends. I submit, Sir, that there ought to be some clauses in this bill with regard to pastures, without which this Bill will again defeat its purpose. With these few words which I have offered by way of criticism I resume my seat.

Kunwar Ismail Ali Khan :

جناب والا —

کل سے اس مسودہ قانون لگان کے موافق اور خلاف ہرے بڑے قابل حضرات کی فصیح و بلیغ تقاریر ہو چکی ہیں اس لیے میں کچھ زیادہ عرض کرنا نہیں چاہتا۔ خوش قسمتی یا بد قسمتی سے میں بھی اس قانون کو بہ نظر استحصان دیکھنے والوں میں نہیں ہوں مگر قانون قدرت کے بموجب جیسے کہ ہر چیز کے دو پہلو ہوا کرتے ہیں نیک اور بد وہی اس بل میں بھی ہیں۔ سب سے زیادہ روشن اور درخشان پہلو جو مجھے اس بل کا معلوم ہوا ہے وہ یہ ہے کہ یہ بل ہم زمیندار طبقہ کو خواب غفلت سے بیدار کر دیگا۔ یہی وہ بد قسمت طبقہ ہے جو بقول ہمارے مخالفین کے ہمیشہ ملک اور قوم کی ترقی میں حائل رہا اور اندھانہند خواہ صحیح یا غلط اور ہر ممکن طریقہ سے گورنمنٹ کی نہایت وفادارانہ طور پر پیش دیتا رہا بلکہ یہاں تک وفادار رہا ہے کہ حکومت کے فریمنوں کو اپنے مذہب کی مقدس کتابوں سے بھی بڑھ کر مقدس مان کر رکھا ہے اور اب ان تمام فرماں برداروں کا صلہ حکومت جو ہم کو دیتی ہے وہ یہ ہے کہ ہماری مشکلات

[Kunwar Ismail Ali Khan.]

میں اور اڑھانہ کرنا چاہتی ہی اگر یہی ہی تو سر تسلیم ہمارا بھی خم ہی میں اُس کے متعلق کچھ زیادہ عرض نہیں کرنا چاہتا کہ ہماری مثال اُس وقت بالکل دھوبی کے کتے کی طرح ہی - سوراچی بھائی ہمارے ایک طرف ہم سے یہ کہتے ہیں جو کہ ایک حد تک حق بجانب بھی ہی کہ ہم نے کسی اصول کی بنا پر نہیں بلکہ محض گورنمنٹ کے ساتھ غیر معمولی وفاداری کی وجہ سے ہم اُن میں شامل نہیں ہوئے جب ہماری غلامی کی حد اور انتہا یہاں تک بڑھ چکی تو آج اِس غلامی کا صلہ ہم کو حکومت اِس طرح سے دینا چاہتی ہی - میرے بعض معزز دوستوں نے کاشتکاروں سے نذرانہ وصول کرنے کے متعلق بھی کہا ہی لیکن مجھے افسوس ہی کہ اُنہوں نے اِس صداقت آمیز حقیقت کو نہیں بیان کیا اور یہ کہ ایک طرف ہم کاشتکاران سے نذرانہ اگر وصول کرتے ہیں لیکن دوسری طرف اُس کو حکاموں کی پُر لطف دعوتوں اور نذرانوں میں خرچ کر کے منتقل بھی تو کر دیتے ہیں (فقہہ) - جب یہ ہماری حالت ہی اور یہ سلوک ہمارے لیئے پسند کیا گیا ہی تو پھر ہم کیا عرض کریں صبر و سکون سے ہم اپنی مصیبتوں کو چھیلینے کے لیئے تیار اور آمادہ ہیں - مجھے کو پوری اُمید ہی کہ یہ بل اِس طرح پاس ہو جائیگا جیسا کہ حکومت کا منشاء ہی کیونکہ بد قسمتی سے اب بھی ہم میں ایسے ایسے حضرات موجود ہیں جو اپنی زندگی کو مٹانے کے لیئے محض چار حرف کی خاطر ایثار کر دینگے - اُس کے متعلق میں اور زیادہ عرض کر کے اِس ہاؤس (House) کا قیمتی وقت صرف کرنا نہیں چاہتا کیونکہ ہم میں ابھی بہت سے حضرات موجود ہیں جو کچھ فرمائینگے *

Dr. Ganesh Prasad: I wish to make it clear that my sympathies are with the landlords, not only because I am one of those 86 or 88 per cent. of petty landholders of whom much has been said today, not only because many of my relatives have substantial incomes from land, but also because I honestly believe that the land, owning class is an important and useful element in the economy of these provinces. But, Sir, what is going to be said by me should not be misunderstood and that is the reason why I wanted to make my position absolutely clear at the outset. Yesterday two speeches were delivered which impressed me very much. One was by the honourable mover, who, with his usual ability and moderation and eloquence, made out a very good case for a change in the present relations between the landlords and the tenants. His speech was not free from some hint and even warning to the land-owning class. The other speech to which I must make some kind of pointed reference is the one which was delivered by my honourable friend Rao Abdul Hameed Khan Sahib. I must make it clear that in this year of grace 1926 it is too late for any one, however high his lineage may be, however broad his acres may be, to come forward and pose as one who has absolute ownership in the land. There is no such thing as absolute ownership in the land except in the case of the King. I am going to quote a statement which was made by Mr. Lloyd George a few months ago in England. That statement runs as follows:—

“The highest legal authority on real property laid it down that there was no such thing as absolute ownership in the soil of England for any

subject of the King. The landlord holds it as a trustee. The ultimate land-owner was the Sovereign on behalf of the State. The Legislature has from time to time acted upon that principle, and whenever it has been deemed necessary in the interest of the community to exercise the right of the Crown, Parliament has devised measures for doing so for specific public purposes."

Now that is a statement which can be made about England, which has not seen the feet of an invader for nearly 900 years; therefore I think it will be acceptable to every one here that in India that statement is still more true. The landlord is simply a middleman. He is in the vast majority of cases the creature of the Government, possibly for military services, more probably for services in the drawing room or in the durbār.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: No.

Dr. Ganesh Prasad: He has been able to obtain land. I hear my honourable friend the Nawab Sahib demurs. I hold him as an exception which proves the rule. We know his illustrious lineage. His ancestors were those proud Rajputs who settled in Chhatari by carrying fire and sword throughout the district of Bulandshahr, but as said already his case is an exception. I challenge any one to contradict me when I say that in the United Provinces, leaving about 20 big Rajas and Nawabs there is not one man who can claim to be the representative of those men who were rulers before the Muhammadans conquered these provinces. However, Sir, that is only a side issue. I have made a statement on the authority of Mr. Lloyd George and I believe it is equally true of these provinces.

Khan Bahadur Maulvi Fazih-ud-din: On a point of order, Sir, are we to discuss here the genesis of landlordism?

Hon'ble the President: The honourable member himself admitted that it was only a side issue.

Dr. Ganesh Prasad: I know my very esteemed friend and elder, Khan Bahadur Maulvi Fazih-ud-din, on the floor of this House just about a year ago made this statement that he represented the conquerors of these provinces. However, I have made a statement on the authority of Mr. Lloyd George about England and I believe that what he said about England in regard to this matter is certainly true of India. Now the question arises, if the Government is the absolute owner of the soil, who is responsible for the miseries that we see surrounding us? It will be admitted that the masses are not in a position to improve themselves. It will be admitted that the vast majority of these masses are agriculturists, and it will be admitted that they do not, most of them, know what a full meal is. I make that statement on the authority of Mr. Rushbrooke Williams. The population in the United Provinces is not increasing according to the natural law. All these things have been admitted, and having been admitted by all, the question is who is going to mend this state of affairs? This state of affairs cannot be mended, as my friend Rao Abdul Hameed Khan Sahib suggested, by a policy of absolute non-interference on the part of the state. He threw out the suggestion yesterday, in the year 1924, on the floor of the House, that it was no business of the Government to interfere with the relations between the landlords and tenants. I suppose he wanted some kind of round table conference where thousands of landlords would be present and millions of tenants would be present to hammer out a settlement, and

[Dr. Ganesh Prasad.]

where my friends the Hon'ble Finance Member, Mr. Lane and Kunwar Jagdish Prasad would be spectators of the great show. That is a proposition that is only to be made to be laughed out. Therefore somebody must interfere, and I say that before God and man it is the Government that is responsible for the miserable condition of the masses and the Government must make attempts to improve their condition. It is in this spirit that I appreciate the attitude of the Government in bringing forward this measure which is admittedly a measure in favour of the masses. It is very well known that the productivity of the soil is much less than it could or should be, it is also very well known that our masses require guidance. I would not however be considered to be a mere philosopher, I have stated all these things only so far as the face value of the Government's pronouncement is concerned. There is in my opinion a deeper meaning in this move on the part of Government, and that deeper meaning is this the day of reckoning is coming closer and closer and that day will be when the statutory commission will come in 1929 or earlier. I assure the Government that then some serious charges will be brought against them on that day of reckoning. They will be asked to state, as regards the condition of the masses, why it has steadily deteriorated both in physique and in mind. The masses have not risen in any appreciable degree from that swamp of illiteracy in which they were floundering in 1921. They are becoming more and more the victims of preventible diseases. Government, therefore, in its great wisdom has brought forward this measure so that it will be able to say to the commission:—"Look here, we have been doing all we can to improve the condition of the masses, and if anybody is responsible for the miserable condition of the masses it is the landlords." That, Sir, is my humble opinion. Of course, that opinion may not be shared by many gentlemen. The Government benches would be the last to accept that opinion, which is so damaging to their reputation, although so complimentary to them for their great foresight and political wisdom in their own interests. I believe that the only way in which the condition of the masses can be improved is by *gradually* moving along the line of least resistance. Rao Abdul Hameed Khan Sahib mentioned one more thing and he said that there ought to be a departure from the previous practice of bringing out Bill after Bill. He meant to say that instead of going along the line of least resistance we should have some drastic changes. Drastic changes are not unknown in this world. The condition in Italy between landlords and tenants is entirely different from what it was before the great War. In Poland practically every landlord of the German race has been driven out. The case of Ireland was mentioned yesterday. The case of other European countries, Jugo-Slavia and neighbouring Balkan countries, may be mentioned. So, are you going to wait until there is a kind of revolution, or are you going to proceed with evolution? Therefore, to sum up, I wish to congratulate Government on what they can claim to consider their great foresight and political wisdom, and on their clever attempt to appear true to the masses with the help of legislation in this Council, and at the same time I should not be considered to be so wanting myself in political wisdom as not to see that this is possibly a deep game that Government is going to play, and a preparation for what to say before the statutory commission. So far as I am concerned, I have given ample warning of my desire to bring

many serious charges against the Government when I appear before the commission.

Raja Bahadur Brij Narayan Rai :

جناب والا —

میرا خیال کسی تقریر کرنے کا نہیں تھا وجہ اس کی یہ ہے کہ اس خیال سے کہ قبضہ اراضی کے متعلق بہت سی تقریریں ہو چکی ہیں اور جیسے گھڑی کے پُزہ ریپیٹر (Repeater) کے اُپر جب ہاتھ رکھیں تو ٹن ٹن کی آواز آنی ہے ویسے ہی بار بار تقریریں ہوئی ہیں اور ایسی قابلانہ اور مدلل تقریریں ہمارے دوستوں نے کی ہیں کہ میں اُس کا عشر عشیر بھی نہیں کہہ سکتا۔ چونکہ میں بھی زمیندار ہوں اور مجھ سے میرے دوستوں نے کہا ہے کہ تم بھی کچھ کہو لہذا میں بھی کچھ عرض کرنا چاہتا ہوں یعنی ہم بھی ہیں پانچوے سواروں میں۔ میں دیکھ رہا ہوں کہ اب کسی صاحب کو دلچسپی ہوتی نہیں رہی کیونکہ تقریریں اس قدر طول و طویل ہوئی ہیں کہ اُس کا خیال میں رہنا بھی بہت مشکل ہے۔ میں مختصراً یہ دکھانا چاہتا ہوں کہ بعض صاحبان کا خیال یہ ہوگا کہ زمینداران اس بل سے اس لینے اعراض کر رہے ہیں کہ اُن کے حقوۃ پائمال ہو جائیں گے لیکن میں گورنمنٹ اور نیز دوسرے صاحبان کی خدمت میں جن کا کہ یہ خیال ہی ظاہر کرنا چاہتا ہوں کہ کاشتکار اور زمیندار میں جب تک کہ اچھی طرح سے مہل نہ ہوگا تب تک زمینداران کا ہرگز کام نہیں چل سکتا۔ ہمارے نفیس نفیس کھانے ہمارے قیمتی زیورات اور ہمارے فیشنبل لباس جو اب ہیں وہ تبھی تک ہیں جب تک کہ ہمارے کاشتکار خوش ہیں اور اُن کے تعلقات اور ارتباط زمینداروں کے ساتھ دوستانہ ہیں۔ اگر ہمارے کاشتکار خوش نہ دھینگے اور بہانہ ہو جائیں گے تو قبل اس کے کہ وہ بہانہ ہونگے ہم بھی بہانہ ہو جائیں گے۔ اس لینے کوئی زمیندار یہ نہیں چاہتا ہوگا کہ اپنے کاشتکاروں کو بہانہ کرے اور اگر کوئی زمیندار ایسا ہوگا تو وہ یقیناً مستثنیات میں سے ہی اور مستثنیات ہو چیز میں ہوتے ہیں۔ میں یقین دلاتا ہوں کہ ہم لوگ آگے کے خطہ کے زمینداران میں اور اُن کے کاشتکاروں میں کافی میل جول ہی اور یہی وجہ ہے کہ اب تک ہم میں کسی قسم کی بد امنی یا بُرائیاں پیدا نہیں ہوئیں اور ہم دو زمینداران و کاشتکاران آدم سے بھر کر رہے ہیں۔ لیکن میں یہ دیکھ رہا ہوں کہ جب سے یہ بل پیش ہوا ہے ایک عام ہیجان پیدا ہو گیا ہے۔ کاشتکاروں کو یہ باتیں بتلائی گئیں ہیں کہ یہ بل تمہارے نہایت خلاف ہے اس لینے کاشتکار بھی اس سے خوش نہیں ہیں اور ہم زمینداروں کو تو آپ دیکھ رہے ہیں کہ وہ لوگ خیال کر رہے ہیں کہ ہمارے حقوق پامال کیئے جارہے ہیں۔ زمیندار بھی اس سے خوش نہیں ہیں۔ خلاصہ یہ ہے کہ اس بل سے نہ کاشتکاران خوش ہیں اور نہ زمینداران خوش ہیں اور اگر یہ بل موجودہ حالت میں پاس ہو جائیگا تو اُس کا نتیجہ یہ ہوگا کہ کاشتکار اور زمیندار دونوں مہمٹیں گے * میں یقین دلاتا ہوں کہ خطہ زمینداران ہمیشہ سے گورنمنٹ کا وفادار رہا ہے اور ہر حالت میں جہاں اُس کا پسینہ گرے ہم لوگ خون بہانے کے لیے تیار

Raja Bahadur Brij Narayan Rai.]

رہے ہیں اور ہم یقین دلاتے ہیں کہ اگر ضرورت پڑے تو اب بھی ہم اُسی طریقہ سے تیار رہینگے لیکن میں آپ کو بتانا چاہتا ہوں کہ آپ کا طرز طریقہ اور رویہ بھی ایسا رہے جس سے ہماری آئندہ نسلیں آپ کی ویسے ہی وفادار رہیں جیسے کہ ہم رہے ہیں کیونکہ زمینداران جن کا کہ پیشہ زمینداری ہی اگر اُن کے حقوق بالکل بہانہ نہ کیئے جاوینگے تو ہماری آئندہ پشتیں بھی گورنمنٹ کے ساتھ ہاتھ پٹانے کے لیئے تیار رہینگے۔ جہاں تک اس بل کے نقائص ہیں وہ ہمارے دوستوں نے عاتلانہ تقریروں سے ظاہر کر دیئے ہیں۔ اس میں بڑا خطرہ یہ ہے کہ مقدمہ بازی جو کہ نہایت بُری چیز ہے وہ بڑھ جائیگی اور اُسی کی وجہ سے ابھی تک ہم تباہ ہو رہے ہیں کیونکہ ہندوستان کے دو مہوے مشہور ہیں ایک پھوٹ دوسرا بیز۔ اگر مقدمہ بازی زیادہ ہوئی تو ہمارے گھر کا روپیہ جو کاشتکاروں کے پسینہ کی کمائی ہے وہ غیروں کی جیبوں میں چلا جائیگا جو بالکل اچھا نہ ہوگا۔ میں یہ کہنا چاہتا ہوں کہ گورنمنٹ ہمارے ساتھ جو کچھ کر رہی ہے اُس کے متعلق اُسے یہ غور کرنا چاہیئے۔ میں نہیں چاہتا کہ اُن تقاریر کو بار بار دہرائیں جو اس کے متعلق ہو چکی ہیں۔

کم دید رنگ از کسے بندن حنا پے بستہ را

میرا مقصد اس تقریر سے یہ ہے کہ یہ جو بل پیش کیا گیا ہے وہ زمیندار اور کاشتکار دونوں کے لیئے مضہ ہے *

Pandit Baijnath Misra : I wanted to rise early today because I was anxious to hear the criticisms of any learned members of the House who had yet to speak, specially of Dr. Ganesh Prasad, on the points I am to urge, but I found it difficult, sitting in this obscure corner, and probably on account of my slight person, to catch your eye. I am not going to trespass in the land of theories. I am not going to discuss the absolute rights of the zamindars and tenants. That is the province of learned men such as the learned doctor who has just spoken. I would say, and I think everybody will admit, that the question of legislation is a question of practical politics and in legislation we generally go by compromise. Therefore, whatever Bill may be brought to effect any object in view, it can never be said to be perfect. All that we can do is to achieve as much as is possible at the particular moment. I think that has been the attempt of the various legislatures that brought forward tenancy Bills previous to this one. The object was to secure stability of livelihood to the class of the people in the province who form the majority, i.e. the cultivators, and at the same time to secure as much production as possible from the land. Now I am not going to pass any criticism on the various sections of the Bill, appreciative or otherwise; that must have been done yesterday during the discussion and today also. There are only two ideas that I want to place before the House, and I hope that the honourable members who have not yet spoken will give us the benefit of their criticisms on those ideas. As I have said, Sir, one of the objects of tenancy legislation is to secure as much production as possible from land. I think it is one of the objects for which the provision about division of tenancy is going to be enacted in this Bill as it was enacted in the previous Act. There is another object for which this section has

been enacted in the previous Act, and it is to secure convenience in regard to the realization of rent due to zamindars. The Bill provides—I think this section was not in the previous Act—that there will be no division of tenancy without the consent of the zamindar. Now, practically a tenancy is divided, when a tenant dies leaving two or three sons, and when they cannot pull on well, then they divide the fields among themselves. There is of course legally no division of tenancy, but practically for purposes of cultivation there is division. It should be one of the objects of the Bill that the fields should not go on being divided to such an extent that convenient cultivation may become impossible. Now, the clause in the Bill cannot secure that object. Of course, every tenant will remain legally responsible to the zamindar unless there is legal division, but the fields will be divided and to such an extent that the energy of the tenants will be wasted; because they will be sticking to the small portion of the land that falls to their share. There is one idea which may prevent this, but to some it may appear as a bit radical. But I think that the time has come when an attempt should be made to enact some provisions in order to prevent land being divided in this way. Sir, division of tenancies, i.e., the actual division of fields, cannot be prevented unless you make some change in the rule of succession itself. Suppose a tenant dies having ten bighas of land and he leaves behind three sons. Under the present circumstances this holding of ten bighas is sure to be divided into three parts. But if you make a rule of succession to the effect that the fields ought to go not to all these three sons, but only to one son, the other two being compensated in some way or other, the difficulty will be solved. I have got in my mind a number of alternatives, but I think this is not the place to mention all those in details. Change in the rule of succession would be one way in which you can check further division. I think, therefore, that some such rule should be introduced in the Bill and the provision about division of tenancies should be improved in that respect. May I make one suggestion. Suppose you make the rule that when a tenant dies, his holding being so many bighas only, say, not more than ten bighas, the whole holding should go to his eldest son and the other sons should be his sub-tenants for their life only; the other, will thus have notice of a life-time to make arrangements for their descendants. There can be other ways of effecting this object. I have mentioned this one by way of example. There is one more idea which does not find a place in this Bill. It does not find a place in the present Act also. It is doing a lot of injury to a class of people of whom there is a large number in the eastern districts. You know, Sir, there is the institution of mahants. They are a class of people who do not marry at all. Therefore they have no descendants based on the institution of marriage. In the western districts of course these institutions generally do not exist. In the eastern districts there are many men who belong to this institution of mahants. It is not the sons but the chelas of these mahants who succeed to their property. Crores and lakhs worth of lands are inherited by these chelas. Supposing these mahants have got only tenancy rights in the lands. As soon as a mahant dies, according to the present Act and according to the proposed law, the chela will have to go adrift and the whole institution would come to an end. If it be the object of this Council, if it be the object of the honourable members that these institutions which have had the sanction of ages

[Pandit Baijnath Misra.]

and of Hindu Dharam Shastras should not exist now and that they should be struck at the very root, then certainly you may have no provision in the Act. On the other hand, if it is not the object of this House to strike at the root of this institution, then certainly the chelas of these mahants should be allowed to succeed them. I know of actual examples where miseries have been caused to these people. This is a time when a new legislation is on the anvil to take into consideration these facts. I therefore propose for the consideration of the select committee and for the consideration of the House that, while considering the question of succession, the chelas of the mahants, should be given the status of sons. The two ideas therefore which I wish to place before the Council are, first, that further division of the land should be prevented not only in the interests of zamindars, not only in the interests of the tenants, but also in the interest of the country, and, secondly, that the chelas of the mahants should be given the right of succession. These are ideas which I wanted to place before the House and I hope they will receive consideration.

Chaudhri Jaswant Singh :

جناب والا —

جہاں تک میں خیال کرتا ہوں اس ہل کے نقصان قریب قریب تمام کافی عرض کر دیئے گئے ہیں۔ میں کوئی بات اس وقت اس میں باقی ایسی نہیں دیکھتا ہوں کہ عرض زیادہ کیا جائے۔ اس لیے میں کچھ تھوڑا سا عرض کرنا چاہتا ہوں وہ یہ ہے کہ زمینداران کے لیے تو یہ بل قطعی فائدہ مند ہی ہے نہیں کیونکہ بالکل اُن کی بہادری کا باعث ہے۔ اور مقدمات تخفیف لگان و اضافہ لگان و بیدخلیاں و حقوق وراثت بہت کافی رہیں گے۔ مقدمہ بازی بالکل ختم نہ ہوگی اور زمیندار و کاشتکار کے آپس کے یقین میں فرق آجائیکا اور دیگر خرابی کی باتیں اس قانون سے پیدا ہو جائیں گی۔ لیکن کاشتکاروں کے لیے بھی یہ مفید ثابت نہ ہوگا کیونکہ دوست سے تو شرح زیادہ بڑھیکے اور حق موردنی آئندہ سے بند ہو جائیکا اور اُن کے وارث کو زمین بہت کم ملا کرے گی اور آپس میں کشیدگی پیدا ہو جائیکے اور زمیندار ناجائز طریقہ سے اُن کو نقصان پہنچائیں گے جب کاشتکار اُن کی زمین نہیں چھوڑینگے۔ اب جہاں تک میرا خیال ہے یہ خرابیاں اس بل کے اصول کے اندر موجود ہیں اس لیے جب تک کہ کمیٹی (سیلیکٹ) کو اس کے اصول کو بدلنے کی اجازت نہ دی جائیکے تب تک وہ مفید تجاویز اس کے متعلق نہ کر سکیں گی۔ لہذا میں اُمید کرتا ہوں کہ سیلیکٹ کمیٹی کو یہ اختیار ضرور دیا جائیکا اور اس مسودہ قانون کو ایسا ترمیم کیا جائے کہ کاشتکار و زمیندار دونوں کے لیے یہ مناسب ہو جائے۔ میں بہ حیثیت زمیندار یہ ضرور کہوں گا کہ کاشتکاران کا یہ حق ضرور کافی خیال کیا جائے نہ کہ صرف زمینداران کا ہی کیونکہ میں دیکھتا ہوں کہ دونوں فریقوں کی حالت واقعی خراب ہے *

Hon'ble Sir Samuel O'Donnell : As it is evident that the Council is willing that the Bill should go to the select committee, I will endeavour not to detain honourable members for long. I think there are two conclusions which clearly emerge from this debate. The first is that the

existing Act must be revised and that the revision cannot be confined to matters of detail but it must be of a radical nature. I am aware, Sir, that one or two honourable members endeavoured in a rather half-hearted way—I hope they will forgive me for saying so—to dispute that conclusion. They have argued that there is no widespread dissatisfaction with the existing Act and that therefore there is no need to make changes of principle. I am convinced, Sir, that that is a profound error. A system which provides to non-occupancy tenants—I may mention here that several honourable members are entirely mistaken as to the extent of the area held by such tenants; of the total area held by tenants about 28 per cent. is held by tenants without a right of occupancy—a system which provides for this large section of the tenants no security against enhancement of rent or against ejection cannot be regarded by the tenants who are subject to its operation as satisfactory. It is true that we have not had in Agra any sensational manifestations of discontent, but I cannot help thinking that those are short-sighted indeed who fail to realize that the non-occupancy tenants are growing yearly more alive to the defects of the existing system and that their discontent, if not allayed, will sooner or later manifest itself in an unmistakable fashion. It must be remembered that we have had four seasons which on the whole have been propitious. We cannot expect that they will continue for ever. Sooner or later there is bound to be a succession of bad seasons, and if in the interval we do not put our house in order, I am convinced that both the Government and the zamindars will be confronted with a very dangerous situation. We have at the present moment an opportunity, a most favourable opportunity, for putting the Rent Act on a sound basis. If that opportunity is neglected, though I am sure it will not be, then I am convinced that all responsible for it will regret later their error.

The second conclusion is that there is no practical alternative to the scheme which we have put forward. I am not referring, of course, to questions of detail. I am referring to what I described as the vital framework of the Bill, that is, our general scheme, and to that scheme, so far as I can judge, there is no practical alternative. I have not overlooked the criticisms of some honourable members who have told me that our Bill will not please either the landlords or the tenants. I am not sure that this is really a criticism, though no doubt it was so intended, for I am inclined to suspect that if our Bill had been one which gave complete satisfaction to one side, it would have been a Bill which would perhaps have done less than justice to the other side. I think that this criticism only shows that we have steered a sound middle course. In any case, I see no practical alternative to our policy.

Two suggestions have been made indeed, but they are suggestions which will not bear even one moment's examination. One was that we should go back to the Bill of 1913. It is idle to suggest that we should go back to that Bill. That was a Bill which was confined to matters of detail and procedure, and its authors deliberately refrained from making any change of principle, not because they thought such changes were not required but because the great war was still on and the time was judged inopportune. The second suggestion is that non-occupancy tenants should be allowed to hold land for ten or twelve years. That suggestion was considered by the Rent Committee and rejected by them, and rightly so. It is in essence simply the

[Hon'ble Sir Samuel O'Donnell.]

principle of the old Oudh Rent Act. And surely, if ever there was a Rent Act which failed signally, it was this Rent Act. Therefore, as far as I can see, there is no practical alternative to our general scheme. I am referring to the general scheme and not to questions of detail.

I shall not attempt, Sir, to deal with all the criticisms that have been passed on our measure. Some of them are of minor importance; some are based on a misreading of our Bill and will cease to trouble the honourable members concerned when they have had time to consider the provisions more closely; others are criticisms which we can leave to the select committee. There are a few points, however, regarding which I have some remarks to offer.

Several honourable members expressed the fear that the occupancy area would decrease. I think that fear is really groundless. I admit that the area held under occupancy tenure is subject to a certain annual wastage owing to deaths, surrenders and ejectments. But, on the other hand, I believe—of course it is impossible for me to produce statistics on the point—that in the past occupancy rights have more often been acquired by sale or purchase, i.e., in return for a monetary consideration, than in any other way. Now, our Bill legalizes that process. In future occupancy rights can be sold or purchased at any time, and I agree with Rai Bahadur Thakur Hanuman Singh that many landlords will be disposed to take advantage of that provision. I do not therefore anticipate that the occupancy area will decrease. On the contrary, it is probable that there will be some increase, though naturally it will be slow.

Then, Sir, a number of honourable members were apprehensive as to the effect of our Bill on the small landlords. They think that the Bill will operate to their prejudice. I would regret very much if that were the result of the Bill. The small landlords are a class which deserves our sympathy and consideration. But here again I think that the fears which were expressed are not well-founded. There appears to me to be a great deal of misapprehension regarding the provisions of section 4. It is not the case that the only addition to *sir* will be under sub-clause (e). On the contrary, there will be a very large addition, an addition of something like 2½ million acres under sub-clause (d). At present there can be no increase in the *sir* area, but sub-clause (d) of this Bill will add something like 2½ million acres to the *sir* area. That surely is a very large addition indeed. Further, it is a mistake to suppose that the proviso to sub-clause (e) applies to the area of *sir* under the first four sub-clauses. It refers only to additions under sub-clause (e). It merely lays down that the area acquired under sub-clause (e) when added to the area under the other four sub-clauses shall not exceed a certain scale. Whether the scale laid down is suitable or not is a matter which will be considered by the select committee. But a landlord may hold a very large area under sub-clause (d). If he does, undoubtedly he will not acquire further *sir* under sub-clause (e), but then further *sir* will not be required for his own cultivation. I do not think therefore that there is any real ground to fear that the small landlords will have any difficulty in acquiring land for their own cultivation, apart from the fact, to which I should have referred, that there is a special provision for the acquisition of land in section 40 for their own cultivation.

Some honourable members have suggested that a certain portion of the proprietary area, at any rate, in the case of small proprietors, should be set aside as the domain of the landlord and that in that area no statutory rights should accrue. That suggestion was discussed for a week in the Rent Committee. I will read a portion of the report to the honourable members.

"A second proposal made was to allow a proprietor within two years from the passing of the Act to take up land for his own cultivation on a scale varying from 80 per cent. of the total cultivated area, where the share of the proprietor is 10 acres or less, to 4 per cent. for proprietors holding over 500 acres.

It was pointed out that these proposals were inelastic, inasmuch as the demesne or khudkasht area had to be demarcated within two years and could not be increased or decreased later on in view of changed conditions; that they would work unevenly, since they give more land than he required to the non-cultivating proprietor and not enough to the proprietor who is an agriculturist; that there was no reason to think that under the existing law zamindars had except in rare cases been unable to obtain as much land as they require for their own cultivation, and that in the cases of some mahals, where the whole of the area is in the hands of occupancy tenants, the proprietor would not be able to obtain any land at all either for his own demesne or for his cultivation: moreover, the proposals would be difficult to work in practice and would give rise to much litigation.

It was for that reason that the committee recommended that in return for the concession of life tenure the landlords should receive an extension of *sir*, provision for the acquisition of land for their own cultivation, and facilities for the collection of rents. I think Khan Bahadur Muhammad Ismail has not quite understood the provisions regarding the enhancement of rent. He pointed out quite correctly that at present an application can be made for the enhancement of the rents of occupancy tenants on the ground of a rise in prices. As a matter of fact, that provision was never employed at all until a few years ago, when special rules were framed. Those rules have given rise to great difficulties in practice and, broadly speaking, it may be said that this provision has been a dead letter. But, and this is a point I want to make clear, under our Bill the special officer appointed in the roster year will, in framing his rates, take account of changes in the prices. My honourable friend Lala Mathura Prasad Mehrotra has failed, I think, to read with sufficient care the provisions of section 57. If he will turn to sub-clause (6) he will find it laid down that "the special officer shall record with reference to section 49 the extent to which caste is taken into account in determining the rent payable by tenants and the extent to which any class of persons holds at favourable rates of rent, whether for the local area as a whole or for particular villages or mahals comprised in it." That does not, of course, mean that these favourable rates are to be conceded to tenants who are not of high caste or who are not holding at present for various reasons on favourable rents.

As regards the fixed-rate tenants, I think our position has been misunderstood. As I pointed out before, the fixed-rate tenant is practically a sub-proprietor. Technically, of course, he is only a tenant but his rent cannot be varied and his rent, of course, is far below the

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economic level. The result of that is that many hundred thousand acres are sub-let regularly by the fixed-rate tenants on rents which are far in excess of those which they themselves pay to their landlords. The fixed-rate tenant is to all intents and purposes the sub-proprietor and his sub-tenant is the real tenant in chief. For that reason it seems only reasonable that the tenant of a fixed-rate tenant should have the same security as we propose to extend to other tenants in chief. On the other hand, we are giving the fixed-rate tenant the right to acquire land for his own cultivation.

Khan Bahadur Hafiz Hidayat Husain took what I can only describe as a very extreme view on the subject of sub-letting. I may have misunderstood him, but I gather that he is not in favour of allowing any tenants any power to sub-let their holdings. Now we are all agreed that restrictions must be imposed on the right to sub-let and there may be legitimate differences of opinion as regards what those restrictions should be. But surely it is not reasonable that all right to sub-let should be denied to all tenants. Even the non-occupancy tenant under the present Act has some right to sub-let, a statutory tenant has a right to sub-let in Oudh, and a statutory tenant in Agra, who will hold for life under the Agra Tenancy Bill must be allowed some discretion to sub-let. He may be compelled for good and legitimate reasons to sub-let, though of course the period for which he sub-lets must be restricted.

The same honourable member is dissatisfied with the provisions of section 80 regarding the collection of rents. Here again I may have misunderstood him, but here again it seems to me that he took a very extreme view. He was not in favour of giving the tenant any sort of latitude or any sort of period of grace. The tenant ought, he considers, to be liable to be ejected if he is one day late in paying his rent; and he referred to the processes for realization of land revenue by Government in support of his view. In every country the state exercises processes for the realization of revenue, which are not open to private persons, but it is surely wrong to suggest that if revenue is not paid on the day on which it is due, the state immediately proceeds to take severe coercive measures. The revenue is not usually collected till well after the date on which it falls due and the severer processes are only employed in the last resort.

On the question of consolidation divergent views were expressed by different honourable members. Generally speaking, I agree with Dr. Shafa'at Ahmad Khan on the subject of compulsion. As we explained in our resolution on the subject, we are not in favour of compulsion on a large scale. On the other hand we are, I think, all agreed that consolidation is desirable where practicable. We need not be under any apprehension that the provisions of this Bill are going to effect a revolution in rural economy. Consolidation will be a very slow and very gradual process. The obstacles are numerous and great, but we are all agreed that wherever it is practicable it is desirable that holdings should be consolidated and we hope that these very limited provisions will do something to facilitate the process.

Then I come to section 40. Khan Bahadur Maulvi Fasih-ud-din complained that we had inserted in that clause the words "if the Collector is satisfied that reasonable grounds exist". Now, Sir, I want to make it

quite clear that in inserting these words we had no idea whatever of putting any obstacle in the way of the legitimate acquisition of land for his own cultivation by the landlord. Khan Bahadur Muhammad Ismail Khan said quite rightly that the land to be acquired should be land which is really required by the landlord. The section was not intended to provide simply an alternative means of ejectment, to enable the landlord to eject any tenant he likes, whether the land is required by himself for cultivation or any of the other purposes specified in the clause or not. The clause definitely lays down that the land must be required by the landlord for certain purposes, and it is only and solely to prevent abuse of its provisions that we inserted these words. Other honourable members have expressed the fear that this clause will lead to a great increase in litigation. It is very difficult to forecast how many applications will be filed annually under this clause. I should imagine, however, judging from our experience in Oudh, that applications will be numerous in the first year and that afterwards they will tend to decrease. But in any case the number of such applications will be negligible compared with the reduction of ejectment suits which this Bill will bring about.

Yesterday, Sir, one honourable member said that I had denounced the landlords. I am glad that he subsequently withdrew that suggestion. I think the Council will agree that from first to last in my speech there was not one word of denunciation. My speech was couched throughout in the most friendly spirit towards the landlords. I repeat that it is no part of our programme, it is no part of our policy to weaken the position of the landlords or to take away anything from them which is their due. Nor do I believe that this Bill will weaken the position of the landlords. On the contrary, I am convinced that only by progressive legislation of this kind the landlords will be able to maintain the great position which they at present enjoy in the country. It is true that the Bill may involve some monetary sacrifice on the part of the landlords, but I feel sure that this great, enlightened and patriotic class will not shrink from that sacrifice. We are not asking that the sacrifice should be confined entirely to the landlords, we are not asking that the concessions should be entirely on their side. I shall be very shortly speaking on the Land Revenue Bill, and when I do so I shall be able to show that we are proposing corresponding and fully equivalent concessions on the part of the State.

The motion that the Bill be referred to a select committee was put and the Council divided as below:—

Ayes (59).

Hon'ble Sir Samuel O'Donnell.	Mr. R. Burn.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.	Mr. A. W. Pim
Hon'ble Rai Rajeshwar Bali.	Mr. B. J. K. Hollowes.
Hon'ble Thakur Rajendra Singh.	Mr. C. M. King.
Hon'ble Nawab Muhammad Yusuf.	Mr. H. G. Billson.
Mr. G. B. Lambert.	Mr. R. J. B. Dodd.
Mr. E. A. H. Blunt.	Colonel A. W. R. Cochrane.
Kunwar Jagdish Prasad.	Mr. A. H. Mackenzie.
Mr. G. B. F. Murr.	Mr. G. Clarke.
Mr. B. D'O Darley.	Raja Muhammad E'jaz Rasul Khan.
Mr. H. A. Leno.	Raja Bahadur Brij Narayan Rai.
Mr. E. L. Yorke.	Mr. H. David.
	2nd Lieut. Chaudhri Balwant Singh.

Ayes (59).

Rai Sahib Lala Jagdish Prasad
 Chaudhri Jaswant Singh.
 Pandit Nanak Chand.
 Rai Bahadur Babu Ram Nath Bhargava.
 Lala Dhakan Lal.
 Rao Sahib Kunwar Sardar Singh.
 Lieut. Raja Durga Narayan Singh.
 Raja Narayan Pratap Singh.
 Raja Sri Krishna Dutt Dube.
 Rai Sahib Babu Dip Narayan Roy.
 Rai Bahadur Thakur Hanuman Singh.
 Bhaya Hanumat Prasad Singh.
 Pandit Baijnath Misra.
 Rai Bahadur Thakur Mashai Singh.
 Mr. Muhammad Aslam Saifi.
 Lieut. Nawab Jamshed Ali Khan.
 Khan Bahadur Chaudhri Amir Hasan Khan.
 Mr. Muhammad Ismail Ali Khan.

Maulvi Muhammad Obaid-ur-Rahman Khan.
 Dr. Zia-ud-din Ahmad.
 Khan Bahadur Hafiz Hidayat Husain.
 Khan Bahadur Mr. Muhammad Ismail.
 Maulvi Abdul Hakim.
 Dr. Shafa'at Ahmad Khan.
 Saiyid Muhammad Ashiq Husain.
 Khan Bahadur Maulvi Fasih-ud-din.
 Khan Bahadur Mr. Ashiq Husain Mirza.
 Khan Bahadur Munshi Siddiq Ahmad.
 Raja Saiyid Ahmad Ali Khan Alvi.
 Mr. St. George H. S. Jackson.
 Rai Bahadur Lala Mathura Prasad Mehrotra.
 Raja Shambhu Dayal.
 Lieut. Raja Shaikh Imtiaz Rasul Khan.
 Dr. Ganesh Prasad.

Noes (1).

Babu Jai Narayan Chaudhri.

The motion was accordingly adopted.

Hon'ble the President : If there are any alterations to be suggested as to the personnel of the select committee, will honourable members make them now ?

Pandit Baijnath Misra : I propose that the name of Pandit Nanak Chand be added to the select committee ?

Pandit Brijnandan Prasad Misra : I second the proposal.

Mr. H. David : I propose the name of Pandit Brijnandan Prasad Misra.

Pandit Nanak Chand : I second the proposal.

Hon'ble Sir Samuel O'Donnell : I regret that I have to oppose this proposal. I need hardly say that I do not do so on any ground personal to the honourable members proposed. I do so simply on this ground, that that committee must be of a manageable size. Everyone who has had any experience of the working of a committee knows that the business cannot be transacted with reasonable expedition if it is too large. We have already on the committee fourteen members and I consider that as large a number as is practicable or desirable. On that ground and on that ground only I oppose this proposal.

Mr. H. David : Can a member speak on the subject ?

Hon'ble the President : I do not think that in matters of this kind speeches are permissible. I only allowed Hon'ble the Finance Member to clear up his own position.

Two names have been proposed by way of amendment. The amendment before the House is that the names of Pandit Nanak Chand and Pandit Brijnandan Prasad Misra be added to the select committee.

The amendment was put and declared lost. On a division being asked for, the Hon'ble the President said : " In view of the voting on the first division I would request honourable members kindly to vote by standing in their places and thus save time."

On a count being made, the amendment was negatived by 37 votes to 16.

A motion that the select committee should consist of the following members was put and adopted:—

Names of members of committee.

Mr. R. Burn,
Mr. H. A. Lane,
Lala Bihari Lal,
Khan Bahadur Maulvi Muhammad Fazl-ur-Rahman Khan,
Khan Bahadur Mr. Muhammad Ismail,
Khan Bahadur Maulvi Fasih-ud-din,
Lieut. Raja Durga Narayan Singh,
Raja Narayan Pratap Singh,
Rai Sahib Lala Jagdish Prasad,
Babu Sangam Lal,
Rabu Nemi Saran,
Pandit Govind Ballabh Pant,
Raja Jagannath Bakhsh Singh,
Hon'ble the Finance Member.

The Council here adjourned for lunch.

After the recess, the Deputy President took the Chair.

U. P. LAND REVENUE (AMENDMENT) BILL.

Hon'ble Sir Samuel O'Donnell: I beg to move that the United Provinces Land Revenue (Amendment) Bill be referred to a select committee consisting of the following members:—

1. Mr. A. W. Pim,
2. Mr. H. A. Lane,
3. Khan Bahadur Hafiz Hidayat Husain,
4. Khan Bahadur Maulvi Fasih-ud-din,
5. Maulvi Muhammad Obaid-ur-Rahman Khan,
6. Rai Bahadur Thakur Mashal Singh,
7. Rai Sahib Chaudhri Sheoraj Singh,
8. Rai Sahib Munshi Amba Prasad,
9. Rai Bahadur Thakur Hanuman Singh,
10. Rai Bahadur Babu Ram Nath Bhargava,
11. Raja Muhammad Ejaz Rasul Khan,
12. Mr. Mukandi Lal,
13. Maulvi Zahur-ud-din,
14. Thakur Sadho Singh and myself.

The history of this Bill goes back to the report of the Joint Parliamentary Committee appointed to consider the Government of India Bill. That committee recommended that the process of revising the land revenue assessments should be brought under closer regulation by statute as soon as possible. They observed that no branch of the administration was regulated with greater elaboration and care, but that the persons who are most affected had no voice in the shaping of the system, and that the rules are often obscure and imperfectly understood by those who pay the revenue. They thought therefore that the time had come to embody in the law the main principles by which the land revenue should be determined. In accordance with this recommendation Sir Harcourt Butler's Government appointed in 1922 a committee

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with instructions to examine the whole question of land revenue settlements. The report of that committee was submitted early in 1923, and if it had stood alone, we should have undoubtedly brought forward our Bill earlier than December, 1925. But in the same year that saw the publication of the report of the settlement committee we appointed another committee with instructions to examine and report what changes were required in the Agra Tenancy Act. Revenue and tenancy policy, Sir, are closely connected. They are concerned with questions which, though technically distinct, are after all aspects of a single policy, and, as honourable members will have realized by now, our tenancy proposals had an important bearing on and were closely bound up with, the provisions of the Bill to amend the Land Revenue Act. For that reason we decided that both Bills should be brought before the Council at the same time, and as sanction to the Tenancy Bill was only received in August last, it was impossible for us to introduce our Bills at an earlier date.

The Bill drafted by the committee to a large extent simply codifies the existing rules and practice. That, of course, was inevitable. The existing rules are the result of the labours of a long line of distinguished revenue officers and embody the experience of many generations, and they, therefore, must form the basis of any new settlement law. The committee, however, made a number of very important recommendations which, if accepted, would modify the existing procedure, and we have made ourselves other changes, some of which are of great importance.

I shall not, Sir, attempt to expound the whole system of land revenue settlement which the Bill seeks to formulate. I assume that honourable members are familiar with the general procedure and it will be sufficient, therefore, if I draw their attention to the more important changes which are proposed in the existing procedure. These amendments fall under four heads:—

- (1) The calculation of assets ;
- (2) The percentage of revenue to assets ;
- (3) The period of settlement ; and
- (4) Procedure.

Now, under the first head, namely, calculation of assets, six changes are proposed. They are, I am afraid, of a somewhat technical character, and as they are fully discussed in the report of the committee I will only summarize them very briefly.

The first alteration relates to the framing of standard rates. The committee observed that owing to the steady rise of competition rents and the absence of any statutory limitation of the enhancement that might be imposed upon rent by decree, the divergence in recent settlements between competition rates and the standard rates, which are based on the rents paid by occupancy tenants of 21 and 30 years' standing, has been excessive. They recommended, therefore, that in the Agra province rates should be based in future on the rents paid by tenants who have acquired occupancy rights since the last settlement, regard being had to the rents paid by the tenants, who had held for twenty years or more and by the tenants, who held for twelve years or more. As a necessary corollary to this change and in order to safeguard the interests of the tenants, they proposed further that on no single occasion

should the rent of a tenant be enhanced by more than one-third, subject, however, to the condition that the rent so fixed should not fall below 50 per cent. of the valuation at standard or village rates. We have accepted both these proposals of the committee and have embodied the second proposal in the Agra Tenancy Bill, but some modification will be necessary in view of the changes in the system of land tenure which that Bill makes. Honourable members will find the revised formula in clause 5 (sub-clause (3) of new section 63].

Secondly, the committee recommended that whenever standard rates are unsuitable for the check of non-occupancy rentals, separate non-occupancy circle rates should be framed, and that these rates should be based on the average collections of mahals where the management is sound and the correctness of the recorded figures undoubted. We have accepted this view, but here again some modification is necessary in view of the provisions of the Agra Tenancy Bill. If statutory rights are conferred on non-occupancy tenants the non-occupancy circle rates will become statutory circle rates.

Thirdly, hitherto rentals have been accepted or corrected according as they conform closely or not with the valuation at circle or modified rates, and rentals which have been rejected have been divided into five classes, viz., fraudulent, not genuine inadequate, excessive and unstable. The committee recommended that the terms "excessive" and "fraudulent" should be abandoned, and they proposed a new definition of the term "not genuine." They also thought that the settlement officer should not have unfettered discretion in declaring rentals to be inadequate and they suggested a standard above which rentals should not be so declared. We have accepted these recommendations. They further proposed that, before assessing the revenue of any mahal, the settlement officer should first enhance the inadequate rentals of all occupancy tenants. Hitherto, as honourable members are doubtless aware, it has been left to the proprietor to put in an application for enhancement if he so wished. The introduction of the roster year system, which will greatly simplify the procedure for enhancement, and the provision that applications for enhancements need not be confined to the roster year but may be made at any time, seem to us to make this change unnecessary. For that reason we have not adopted it.

Fourthly, the committee have suggested a new principle for the division of land into "wet" and "dry." They pointed out that owing to the method adopted, which takes no consideration of the fact of actual irrigation of particular fields, the wet area was regularly and greatly overstated in the settlements of the seventies and eighties. That defect has been remedied in recent settlements, but in order to prevent the possibility of its recurrence we have adopted the proposal of the committee that in future land should not be classified as wet unless it has been actually irrigated in at least two years out of five normal years ending with the year of record, and that the local Government may, for special reasons, declare that in any district or part of a district no land shall be classified as wet unless it has been irrigated for a longer period than that.

Fifthly, the present rules allow a deduction to be made from the gross assets in the case of proprietors' cultivation when the number of proprietors is great or their circumstances poor. They definitely state

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that this concession is an act of grace on the part of the Government. The committee thought, and we have accepted their view, that the proprietor should be entitled to claim this deduction as a matter of right and that it should be extended to all proprietary cultivation. We propose further that it should be compulsory on the settlement officer to allow a deduction of at least 10 per cent. of the valuation and the deduction may amount to as much as 25 per cent., the percentage actually taken varying between these two limits according to the circumstances of the proprietor.

Sixthly, the present rule regarding irrigation works is that when any such work is constructed out of a loan advanced by Government or by or at the cost of the proprietor, and if the condition of the mahal is thereby improved, an amount equal to 10 per cent. of the estimated cost of production shall be deducted from the assets. Now, the committee point out that this rule is open to two objections. In the first place, it does not *prima facie* apply to wells constructed by tenants, and in the second place, the amount of the deduction does not correspond with the addition actually made by the improvement to the assets. In their opinion the only equitable principle to apply is to make the deduction equal in all cases to the addition to assets made by the improvement. We agree with them on that point and have accepted their recommendation that the settlement officer shall discount the increase in assets which would otherwise result from such improvement by valuing the land so improved at the rates of the soil-class or soil-classes in which it would have been included if the improvement had not been made. The combined effect of these changes will not be great, but they will remove some defects in the existing procedure and, so far as they go, they provide a more accurate and equitable basis for assessment.

I now come to a less technical aspect of the Bill before us, viz., the percentage of revenue to assets. The committee have traced the history of this question. They have shown the steady progress towards increased lenience which has marked at every step the policy of the Government in this matter. Regulation VII of 1822 fixed the percentage of revenue to assets at 83 per cent.; Regulation IX of 1833 fixed it at two-thirds and the Saharanpur Rules of 1855 fixed it at 50 per cent. of the net assets. It has remained since at that level, but in fact the percentage of the assets taken in recent settlements has been between 43 and 45. The committee proposed, and we have accepted their view, a further reduction. They recommended that the revenue assessed on each mahal should normally be 40 per cent. of the net assets, but that it might vary between 35 and 45 per cent. and might fall as low as 30 per cent. if considered necessary on account of—

- (1) the number of proprietors and their circumstances;
- (2) the existence of heavy charges for malikana; and
- (3) the effect of a sudden enhancement on the proprietors,

and provided further that the revenue assessed should not exceed 45 per cent. of the net assets in any case, except (a) for the purpose of rounding or (b) to avoid the reduction of existing revenue when the reduction was not required, in which case it should not exceed 50 per cent.

Now, Sir, closely connected with that question is the question of the percentage of the expiring demand to which the excess of the new demand over the expiring demand should be limited; in other words, the question of imposing a limitation on the enhancement of revenue. At present revenue cannot be enhanced in any district as a whole by more than 33 per cent. without the sanction of the Government of India. But there is no limit of enhancement on a smaller unit. The committee thought that this resulted in some cases in enhancements which entailed a large and sudden decrease in the income of a proprietor and they recommended that, subject to certain provisos, with which I need not trouble the Council, the enhancement in any mahal should in no case be more than 50 per cent. of the expiring demand. We propose to go still further than that. We propose that in the case of any mahal the enhancement should never exceed one-third of the expiring demand. We recognize that this will entail loss to the State, but we are prepared to face that loss. We have proposed in the Tenancy Bill that the enhancement of a tenant's rent should be restricted to one-third. The two cases, as I pointed out before, are not entirely parallel because rents will still be subject to enhancement on two occasions during the currency of the settlement. Nevertheless, we agree with the committee on the Tenancy Act that if the power to enhance rents which the landlords have hitherto enjoyed is now to be curtailed, they may not unnaturally claim that the right of the State to increase the revenue should be subject to a corresponding limitation. Accordingly we have accepted their proposal that the enhancement in the case of any mahal should not exceed one-third. I trust that the importance of these two changes will be recognized. The feature of recent settlements, as the committee have shown, has been their moderation, and if these amendments are accepted the pitch of assessments in these provinces in future settlements will compare favourably with the assessments of any other province in which the conditions are at all analogous. There is a third head, i.e., the period of settlement, the period for which the new settlements are to be made. The committee have dealt very ably and very lucidly with the question of the thirty years' settlement. In my opinion they have shown that the criticisms that have been levelled against that period are not justified and that the evils attributed to it are either imaginary or the result of quite different causes. And if we have decided to make a change it is not because we think that in the past the term was wrongly fixed at thirty years was a mistake, but because of a new consideration which was not before the committee. We are asking the landlords of Agra in the Agra Tenancy Bill to confer on their tenants longer tenures, and we feel that they may not unreasonably ask that the State should make a similar concession to them. We desire to deal with them in a spirit of reciprocity; we desire to extend to them the same consideration that we are asking them to extend to their tenants, and we propose therefore that the term of future settlements should be forty years. I believe that there is no other province at the present moment in India in which settlements are made for a longer period than thirty years. I am not of course referring to permanently settled areas. I am referring to temporarily settled areas.

Lastly, there are provisions relating to procedure. It has been the practice since 1920 to publish at successive stages for criticism and

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objection the forecast, a summary of the rent-rate report and the mahalwar assessments. The committee thought that a settlement should be open to the public in all the phases of its life and character. We are in entire agreement with them on this point and we have embodied their recommendations in the Bill. In future, if this Bill becomes law, the forecast will be published and laid on the table of the Legislative Council and a date will be fixed after which the Government will take into consideration any criticisms or suggestions that may be made before deciding whether the district or local area should be settled or not. Secondly, the rates will be published for criticism as they are at present, but the opportunity for formal objection will be deferred till assessment has been made on them, and when the assessment is complete, the rent-rate report and the assessment report will be laid before the Council at the same time, and an opportunity will be given for discussion, and lastly the settlement officer's final report will be published and laid on the table of the Council before final orders are passed on it.

I have now described our main proposals. My account has been necessarily brief, but I hope that it has been clear. It will be seen that the Bill not only brings the process of revising the land revenue assessment under regulation by Statute, but that both in regard to the pitch of the assessments and in regard to the term of new settlements it embodies changes which should be welcome to the landholders. The outstanding feature in the history of the revenue settlements in these provinces is the progressive reduction in the share of the profits of the land which has been taken by the State. This Bill carries that process still further. It reduces substantially the percentage of revenue to assets. It curtails greatly the enhancements that may be imposed on any single mahal, however great the rise of rents, and it extends the period of new settlements by ten years. I can confidently claim for this Bill, without fear of reasoned contradiction, that the settlements for which it provides will compare not unfavourably in point of leniency with those of any other province in which the conditions are at all analogous.

Khan Bahadur Maulvi Fasih-ud-din : Settlement is, after all, a somewhat technical subject, and it is for this reason that the average zamindar or the average tenant cannot in the very nature of things defend himself against any over-assessment of land revenue or against any over-enhancement of rent. His difficulties are all the more enhanced when we consider the fact that hitherto the rules regulating the procedure of settlement have been rather incomplete and the literature on the subject of settlement has been diffuse and out of date—a fact to which the Hon'ble the Finance Member has referred in his speech which we heard just now.

We are therefore very thankful to the settlement committee and to Government for bringing many of the matters connected with the various stages of the settlement operations under the purview of legislation. We are thankful for the way in which this Bill deals with the fixation of soil classes, with the analysis of rental and with the basis on which the rent-rate should be framed, as well as with the grouping of villages into assessment circles. But we are still more grateful to the Government for certain other concessions that the Bill gives us in the matter of

the limitation of enhancement of land revenue and of the lowering of the maximum and minimum percentage from 55 and 45 to 45 and 35 respectively. But last of all, though not the least, we are grateful for the provision of this Bill which says that the rent-rate reports and assessment reports should not only be published in the Gazette but should be placed on the table of members in this House for criticism. But, Sir, in all fairness to the general public, and to the people whom this Bill will affect, we must not forget the dark side of the picture also. I am afraid that the various provisions of this Bill relating to the points I have mentioned are rather halting and indefinite. They do not go far enough. For instance, I take the first point that I have mentioned, namely, the fixation of the soil classes. Our experience of the settlements in these provinces extends back to about three-quarters of a century and all of us now know in what parts of the province what classes of soil should be adopted. For instance, in a place like Bundelkhand only natural soils can be used with advantage, while in other parts of the province, including the country known as the Gangetic Doab, only artificial soils have to be adopted, at least in the higher scale, and a combination of artificial and natural soils is needed in the lower scale. It was therefore in the interests of the zamindars and tenants both if some definite programme for the classes of soil were to be adopted in this Bill, and this important matter should not have been left entirely to the sweet will of the settlement officer. It was very easy for the committee to have ascertained what classes of soil were adopted by each settlement officer in each individual district and to have carved out a programme for the classes of soil for this enactment. Now, as to the circle rates, I have heard with great attention the reasons of the Hon'ble the Finance Member for widening the basis of the circle rates. In my opinion this beautiful phrase of widening the basis of circle rates practically means the stiffening of the circle rates. Hitherto, as the Hon'ble the Finance Member has informed us, these circle rates used to be based on the rents paid by tenants of twenty-one to thirty years, but now it is intended to include in the basis of circle rates the rents paid by tenants of twelve to twenty years also. We all know, Sir, what is the nature of the rent that is paid by a recent occupancy tenant because it is clear that no zamindar can ever allow any tenant to step beyond the barrier of twelve years unless he pays competition rents. Thus the rent that is paid by the recent occupancy tenant of twelve to twenty years is naturally higher than the rent paid by tenants of twenty-one to thirty years. Hence the Bill professes to widen the basis of circle rates, or, in other words, to make the circle rates stiffer than what they happen to be at present. I admit, Sir, that this stiffening of the rates will benefit the landlords by raising the rents of the tenants. But this stiffening will also injure the landlords in villages in which the assumption area is large enough. It will tend to raise the valuation in these villages and the assessable assets and thus increase the land revenue. I am not as yet very much convinced that the widening of the basis of the circle rates is at all called for, and in connexion with the deliberations of the select committee I should try to prove that this widening of the basis of circle rates is not at all needed. Now, there is another question to which the Hon'ble the Finance Member has referred, and it is the calculation of the net assets for the purpose of fixing the land revenue. In this connexion there is one very obnoxious clause in this Bill which I dislike. The clause begins

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with the golden principle that no land revenue should be assessed on the prospective increase in assets. This is all right and this is the principle which has been adopted by all settlement officers hitherto, but further on this clause says that if a zamindar does not apply for enhancement of rent the settlement officer can take into consideration the increase which would have accrued to the zamindar, if he had applied for the enhancement and add that increase to his assessable assets. If this clause means that the settlement officer will after he has assessed the mahal give the benefit of that increase to the zamindar, then I have no quarrel with this clause; but if it means that the settlement officer will leave the zamindar to wait for another ten years and in the meantime go on paying the land revenue on this respective increase in assets, then I will certainly oppose it. There is another clause in this Bill which says that the settlement officer can of his own motion, of his own initiative take up enhancement of rent proceedings and actually enhance rentals. If that is so, what was the necessity of this most suspicious clause that he can assess on prospective assets? Sir, there is another point and that relates to the grouping of villages into assessment circles. The Bill as it stands is very silent about this point. If a village is grouped with the villages of a higher circle, then in my opinion no amount of leniency, not even a change of the standard rates into village rates, not even the low percentage of assessment can prevent that village from being ruined. It sometimes happens that through mistake or through carelessness the settlement officer groups one village which should have been put into a lower circle with the villages of a higher circle. The result is the ruination of the zamindars. This is a very serious matter and it requires the serious consideration of the select committee when the Bill comes before it.

There are a few other points in connexion with the Bill which I think should be taken up by the committee; but there is one point which I should like to mention and which has done and will continue to do great injury to the cause both of the tenantry and the zamindars; and that is this. Very often junior officers are posted in the Settlement department. A joint magistrate is appointed a settlement officer and a very junior deputy collector is appointed an assistant record officer; and the result is that these raw, inexperienced officers have to handle such a delicate business as the settlement work. Settlement work, I submit, Sir, is a very difficult work which requires a good deal of energy, initiative and insight into the revenue machinery of the province; and when these raw men take up the work they go on at break-neck pace; they do not care for the interests of the zamindars and tenants, and they commit blunders which are irreparable and which end in the ruination both of the landlords and the tenantry. In my opinion, there should be a clause in this Bill to the effect that no officer who has not had at least fifteen years' revenue experience should be appointed to this department and that no officer should be appointed as settlement officer unless he has worked as assistant settlement officer for a period of at least two years.

The last and the most important point that I wish to discuss is the term of settlement. The Hon'ble the Finance Member has very ably and very oratorically dealt with this matter; but I should like to

submit that we are not concerned so much with the term of the future settlements as with the term of existing settlements. This is because we do not know what will be the form of Government after forty years. Changes in the political life of India, changes in the administrative machinery, are so rapidly coming on that it is impossible to foresee the future; and we cannot wait for forty years to see the effect of this extension that is now being suggested to us. It is possible, if we were to accept the theory of the transmigration of souls, our souls may find admittance into the bodies of the members on the official benches and we may then try to put back the hands of the clock and reduce the term of settlement from forty years not only to thirty years but even to fifteen or ten years. Our contention is, and has always been, that the abnormal and artificial rise in prices which has been due to the war has induced an increase in rents and in the cultivated area, and there are strong and unmistakeable indications that a reversion to the normal conditions is inevitable. Prices are falling and it is possible that after some years the conditions may assume their normal aspect. Thus, any assessment which is based on the present exaggerated figures will always be unreliable and risky. That is our case in a nutshell.

It may be said that the zamindars have taken advantage of the rise in rents and are the only party which has benefited by it, while on the other hand a part of it should have gone to the Government. I submit, Sir, that in spite of the rise in prices the zamindars have not been benefited at all for the simple reason that there has been a corresponding rise in the cost of living. The other day the Hon'ble Finance Secretary, Mr. Blunt, informed us that the Government servants who were getting Rs. 500 before were now getting Rs. 650, and that Rs. 650 which they are getting at the present day should be considered as equivalent to the Rs. 500 of old days. Thus, it will be seen that if there has been any rise in rent it does not follow that the zamindars have become richer. On the other hand, I am going to prove that the zamindars of these provinces at least are sinking down and down into the abyss of poverty. Government is finding it more and more difficult to realize its land revenue from the zamindars. Comparing the figures of 1912 with the available figures of 1924, I find that in 1912 Government had to issue as many as 176,000 coercive processes and now the number of coercive processes stands at the enormous figure of 221,000. This clearly shows that the Government, owing to the increasing poverty of the zamindars, finds it more and more difficult to realize its land revenue. This contention of mine will be supported by the fact that as much as one and a half crores of land revenue is to be treated as bad debt for which these coercive processes are to be issued. These figures will speak for themselves. I am sure that a Government which has to issue about fifteen to sixteen thousand warrants for the arrest of defaulters, a Government which has to attach as many as 43,000 movable properties and to sell up every year as many as 3,000 such properties, a Government which has to sell up at least 250 immovable properties every year for the realization of its land revenue is certainly bound, and bound by all the codes and rules of morality, to look back to its past record and revise its spoon-fed policy of augmenting its income by constant revision of settlement. Sir, if it be said that these figures are not conclusive proofs of the growing poverty of the zamindars, I would like to adduce another proof. It appears from the revenue administration report of 1923 that

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as many as 8,600 and odd zamindars had to be sold up under the orders of the courts, and that their property carrying a revenue of over a lakh and three-quarters had to be transferred in connexion with the execution of decrees. Not only this. The zamindars also lost property worth two lakhs of land revenue during one year by private transfer. All these figures are eloquent in themselves. I need not comment on them. This is the state of the zamindars. For this reason I appeal to the Government in the name of all that is fair and just in this world, in the name of humanity, in the name of its own good name, to look back to its policy of frequent revision of settlements and to consider the advisability of not insisting upon refusing to extend the term of the existing settlements.

Pandit Nanak Chand : I congratulate my zamindar friends and the Government on the introduction of this much-needed and long-overdue measure with the object of bringing the machinery of settlement operations within the purview of the legislature, and I give my whole-hearted support for its reference to the select committee. After the exhaustive and learned speech of my honourable friend Khan Bahadur Maulvi Fasih-ud-din, I do not consider it necessary to go over again into the details and technique of settlement operations, which he has so admirably placed before the House. It is a matter for satisfaction that the Government has recognized the desirability of regularizing the procedure of settlements by Statute and that in the case of all future settlements this Council will be given an opportunity to criticize their proposals and to offer its advice. There is one point to which a reference was made by Khan Bahadur Maulvi Fasih-ud-din Sahib which requires to be emphasized, and for this reason I also like to urge upon the members of the select committee to pay their attention to it. It is about the calculation of assets. As he has pointed out, the Government propose to widen the basis of circle rates. If these rates are raised, as required by the Government in the Bill, it will not only adversely affect the occupancy tenants, but it will also affect the assessment of revenue in the assumption areas, which include the areas under *sir* and *khudkasht*. It will also adversely affect the areas held by small zamindars for their cultivation. I hope the non-official members of the select committee will rise equal to the occasion in rejecting this proposal if it is pressed by the Government. The other point to which I would draw the attention of the select committee is the urgent need of giving an opportunity for criticism and objection in the matter of soil classification. It is on the classification of soil that the whole edifice of settlement is based. The soil classifiers are usually temporary officials and are not men of any high sense of integrity. They very often misclassify lands in villages. This preliminary soil classification is later on checked by the settlement officer, but as he has to inspect five or six villages at an average every day, it cannot reasonably be expected from him that he will look into the details and verify everything for himself. * If the result of the preliminary classification of soils is made known to the proprietors of the mahals or of the zamindaris, they will be in a position to know as to which if any of their fields have been incorrectly classified. After this publicity of preliminary classification, the zamindars should be given every reasonable facility to prefer their objections,

so that when the settlement officer goes to verify this classification he will be able to check it for himself as to whether the preliminary classifications made by the classifiers of soils have been made correctly or otherwise. In this connexion I would also submit that the Government should take steps to improve the quality of soil classification by seeing that as far as possible they do not appoint any person who is below the rank of a naib-tahsildar to do this responsible work, upon which, as I said, the whole edifice of the settlement operations is based. I have not been able to understand the real significance of the suggestion thrown out by Khan Bahadur Maulvi Fasih-ud-din Sahib when he said that he wanted the term of the existing settlements to be increased. If he means that the term of those settlements which are due or have been overdue should be increased, then I regret to have to differ from him. But if he means to suggest by his proposal that the recent settlements which have been carried out during the last ten or twelve years in which the recent rise of prices has been taken into account be extended, I agree with him. It is not fair that the districts settled about thirty years ago be given the same concessions as ought to be given to the districts which have been assessed recently, as it is unfair to deny this concession to the latter districts on the ground that it cannot be given to other districts which were assessed about thirty years ago, when the present rise of prices had not begun to operate and was not taken into account. I would not object to the settlements of districts which are now due or overdue under the present law to be settled in accordance with the provisions of the Bill as it may be finally passed by the Council, as an extension of period in their case would be unfair to those districts which have recently been settled, which are paying comparatively higher revenue in the case of the recently settled districts. I would for the reasons given above agree with him for the extension of the term of settlement. I hope and trust that the Bill will emerge in a more satisfactory form from the select committee.

Maulvi Muhammad Obaid-ur-Rahman Khan : I think it is not possible for me to deal with the question as efficiently or in such an expert manner as my esteemed friend Khan Bahadur Maulvi Fasih-ud-din has done, and when he has made such an eloquent speech criticizing each and every section of the Bill which is now before the House, there is no need of adding any other speech to it. But I think there are two points upon which greater emphasis is required. Therefore I want to say a few words in connexion with the Bill which is now before the House. There is no doubt that we are thankful to the Government for some terms in the proposed Bill, which are an improvement on the present Act, and which have been stated by the Hon'ble the Finance Member in his speech in detail. But may I say that we are much disappointed to find that there is no provision in the present Bill for the extension of the term of the existing settlements, as was our great desire—the desire both of tenants and zamindars. On the floor of this House there have been on many occasions speeches which have shown the Government that there was a cry for an extension in the term of existing settlements. It has been urged that there should be at least an extension of thirty years, that is to say, there ought to be sixty years' term of settlement. But we find after a long time, rather after waiting for a long time, that there is only an extension of ten years and that too in the next settlement, but not in the existing one, and the Government's argument is—how can we go against the contract into which we

[Maulvi Muhammad Obaid-ur-Rahman Khan.]

had already entered for thirty years only? May I submit that seven years' leases will become null and void and they will have no effect if the Bill which has been entrusted to the select committee just a few hours ago becomes law. As soon as it becomes law and life-tenancy comes into existence, those leases will have no value. But when there arises a question between the zamindars and the Government, the contract has a great value and they do not want to depart from that contract. Sir, this is a matter which can be well described in a Persian couplet:—

مہرا درد ہے است اندر دل اگر گویم زبان سوزد

دگر دم در کشم ترسم کہ مغر استخوان سوزد

Perhaps I am quite unable to give vent to the real feelings of my constituents of the zamindar community, the tenants and the general public, when I say that there is a great disappointment when we find that there is no heed paid to our insistent demand. We understood that His Excellency Sir Harcourt Butler was in favour of a term of settlement for forty-five years, but out of that proposal five years have been curtailed and there is only this undertaking given, that there will be an extension of ten years and thus the term will be increased from thirty to forty years, which is quite unsatisfactory. When we support the motion which is now before the House it is on the clearest understanding that this committee will have the power to make recommendations, or give its judgement about the extension of the term of settlement also. If that assurance is given, certainly we are ready to support the motion which is now before the House, but if that assurance is not given, then I fear that it will be very difficult for us to support the motion to refer this Bill to the select committee.

It is said that there is no province in this country in which there is settlement of a longer term than that of thirty years. But I say there is the permanent settlement in Bengal and Bihar; and not only in Bihar and Bengal but even in some parts of these provinces also, such as the Azamgarh district and some other districts which have a permanent settlement. The other provinces such as Madras and the Punjab have no resemblance with our province. Therefore to quote their example is not reasonable. There was dissatisfaction among the civilians which the Lee Commission has removed, but there is no commission which can redress our grievances and remove our discontent. We were expecting that the Royal Commission which is coming will deal with this question also. But I fear that even that commission will not be able to deal with the question which is of such a paramount importance to us.

It is said that one has to move with the times and so there is the necessity for the new Tenancy Bill. While it has been urged by the zamindars more than once that we want an extension in the term of the existing settlement, there is no attention paid to it, and there appears no necessity of moving with the times in that direction. To satisfy such an influential class as zamindars, it is very necessary that there should be an extension of more than ten years even in the term of the existing settlement. Secondly, the proposed way of ascertaining

circle rates must be modified and due consideration be given to that important question in the select committee. With these observations I resume my seat.

Rai Bahadur Thakur Mashal Singh : I congratulate the Hon'ble the Finance Member on introducing this important measure before this House for reference to the select committee. I whole-heartedly support the motion that the Bill should be allowed to go to the select committee. We are no doubt critics and we have criticized measures of Government many a time, but in fairness to Government I must say this time that the Government has brought forward a very good and important measure. We, the landlords, ought to thank the present Government, as well as the preceding Governor (Sir Harcourt Butler), to whose recommendations much value has been attached in the drafting of this Bill. We should also thank the Government that they have adopted the recommendations of the Settlement Committee in the majority of cases, and I should say that in one or two cases they have even gone beyond the recommendations of the Settlement Committee in favour of the zamindars. I think this beneficial measure is not to be denounced or deprecated in any way. My honourable friend who has just preceded me tried to denounce it.

Maulvi Muhammad Obaid-ur-Rahman Khan : I have not.

Rai Bahadur Thakur Mashal Singh : He said it is not as good as it ought to be.

Maulvi Muhammad Obaid-ur-Rahman Khan : Only on one point.

Rai Bahadur Thakur Mashal Singh : I entirely agree with him. But half a loaf is better than no loaf at all. The Bill as it stands is very good, and I think if the provisions of some sections had been shorn of their provisos it would have been better still. In section 63 it is said that the area will be divided into circles. These circles are very damaging things. In some cases you will find that the soil of a village, the quality of the land of a village, differs from field to field, while the quality of the soil of different villages varies often. In those cases when there is a marked difference between the quality of soil of one village and the quality of the soil of another village, the application of circle rates does much injustice in the assessment of revenue. Now section 63B says that the basis of the assessment of the cash-rented area shall be the recorded rental unless it is unstable, inadequate or not genuine. In defining the terms "inadequate, unstable or not genuine" much depends on the sweet will of the settlement officer. I did not know at the time of the Settlement Committee, nor can I now understand, the reason why the recorded rent should not be taken as correct. A large sum of money is spent on the establishment maintained in connexion with land records. From the post of patwari up to the Deputy Director of Land Records lakhs of rupees are spent every year; then what is the reason that these entries in the patwari papers should not be taken as correct and assumed rentals should be substituted for these recorded entries. I do not understand this sort of settlement on assumptions and presumptions. When there is anything to be done against the zamindars these patwari papers are always relied upon; but when their turn comes, these patwari papers are declared unreliable, and assumed rentals and assumed areas are taken into consideration in the assessment of revenue.

Khan Bahadur Maulvi Fasih-ud-din : No, that is not the case.

Rai Bahadur Thakur Mashal Singh : Yes, that is the case. It is said in the law that if the recorded rent is unstable, inadequate or not genuine the settlement officer shall reject it or shall reject such portion of it as is unstable, inadequate or not genuine and shall substitute for it an assumed rental. I say that we should not rely on the recorded rentals and should not hedge in this beneficial provision of law by so many objectionable provisos. Some allowance has been made for the proprietary cultivation in the calculation of the assets and it is said in section 63D that the settlement officer shall make such deduction varying from 10 per cent. to 25 per cent. as appears suitable having regard to the circumstances of the proprietors from the valuation of the *sir* and other land which is ordinarily cultivated by the proprietors themselves. It would have been far better had there been a definite percentage of deduction recommended and prescribed. This indefinite and vague procedure leaves much to the sweet will of the settlement officer. Moreover, the *arwai* income of zamindars has also been included in the assets and revenue will be assessed on that. Under section 63E I think this should not have been done and fish and some fruits of trees ought to have been eliminated from the assets. It is a very small thing, and the Government ought not to have taken fish of a pond or fruits of trees into account. In section 63J it is said that the revenue assessed on each mahal shall ordinarily be 40 per cent. of the net assets. This is a very good provision and we are grateful for this reduction in the pitch of assessment, but sub-clause (2) of the proviso to the same section runs as follows:—

“(2) to avoid reduction of existing revenue, where reduction is not required, in which case it may not exceed 50 per cent. :”

In that case it has been raised to 50 per cent. and it comes to this that it is “heads we win and tails you lose.” In the assessment of revenue settlement officers should always be lenient and the Government should give them clear-cut instructions, so that they may not have an opportunity of using their own discretion to a large extent, because it has been found that in several districts settlements have been revised again and again simply because they were over-assessed; the contentment and prosperity of a country always depends upon these settlements. It has repeatedly been said by eminent statesmen that much depends on the assessment of revenue. In 1833 Sir Charles Metcalfe said:—

“I believe that the happiness of the bulk of the inhabitants of the western province depends more on revenue settlement than on any other thing whatever.” Mr. James Thomson used to say in the midst of wild outbreak of crime “Look to your revenue.”

Sir Alfred Lyall once observed: “Few human beings would cause so much misery among the people as the settlement officer of an over-assessed district.” The learned historian Dr. Hodgkin has said that “excessive taxation on the land was one of the causes of the decline of the Roman Empire.”

So if leniency is shown in the assessment of land revenue, there would be no outbreak of agrarian or any other sort of trouble. As to the term of the settlement the Hon'ble Finance the Member has said that the thirty years' settlement was not a mistake and that no promise for a long-term settlement was ever made. I would, with due respect

to him, say that it was not only a mistake, but it was a tremendous blunder. Of course a promise was made not only for a long-term settlement, but for a permanent settlement. Colebrook's minute of 1808 contains the following:—"The pledge which has been thus solemnly contracted cannot be forfeited without such a glaring violation of promise as would lose us deservedly the confidence of the people. The happy result of the measure is now witnessed in Bengal. The reviving prosperity of the country, its increased wealth and rapid improvement, are unquestionably due to the permanent settlement." These provinces ought to have been today under a permanent settlement instead of thirty years' settlement according to the above quoted pledge. The neighbouring province of Bengal and even a few districts of this province enjoy the benefits of the permanent settlement, while we are always subject to the sword of Damocles hanging over our heads after every thirty years. If you compare the prosperity of the province of Bengal with the prosperity of this province, you can come to no other conclusion than this that the boon of the permanent settlement, if granted, would be very beneficial to this province and that we would not be reduced to so much poverty. From 1800 to 1862 all the eminent statesmen of England and India advocated permanent settlement for this province. But unfortunately the permanent settlement was never extended to these provinces. It is not only for the benefit of the zamindars but I should say it is for the benefit of the tenants too. Why do the zamindars make enhancements of rent on their tenants? Because after every thirty years they are milked of whatever they collect from the tenants. They are so much milked that sometimes drops of blood come with the milk. There is a proverb that "a poor man that oppresseth the poor is like sweeping rain which leaveth no food." So the zamindars being poor oppress the poor tenants under the pressure of Government and in this way the country goes down every day to the abyss of poverty.

I have already said that the provisions of the present Bill are far in advance of, I should say, the present rules—because there was no law up to this time. Settlements were made according to some instructions and rules which were issued to the settlement officers. Now in this year of grace these instructions have been codified and have been brought on the anvil of the legislature so that the idiosyncracies and the whims of the settlement officers may be controlled by them.

There are many good points in the Bill and if there are some defects which I have just pointed out, they will be removed in the select committee. As to the question of the extension by ten years of the existing term of settlement I think there can be no two opinions that if the Government gives this boon there will be no misunderstanding between the zamindars, tenants and the Government. All the parties concerned will be very grateful to the Government. And I think that the excuse that the present contract cannot be revoked is no excuse, because if the Government wishes it and thinks it right to revoke it, they can very easily grant an extension of ten years to the existing term of settlement and can place all the citizens of this province under an obligation.

With these words I support the motion that the Bill be referred to a select committee.

Dr. Shafa'at Ahmad Khan : It is with mixed feelings that I rise here to give my support to the motion for the reference of this Bill to a select committee. Sir, I admire the parliamentary talents of the oratorical Irishman ; I admit them. I believe that the two speeches which he has delivered in these two days have placed him in the forefront of parliamentary debaters ; but I must also say that I am not quite satisfied with the Bill as it is presented to us. I believe that, unless provision is made for the extension of the existing settlement by ten years, it will be absolutely unacceptable to the tenants and to the zamindars of this province. I think that the attitude of the members of this Council in 1925, the attitude they adopted in 1924 and the attitude they took up this year in connexion with the budget debate has made it perfectly clear, has unequivocally demonstrated to every member of the Government, that we will never accept any Bill regarding settlement unless and until the existing settlements are extended unless the measure is made retrospective and those districts which have suffered and are suffering terribly from over-assessment, are to gain equally with those districts to which it is to be applied in the distant future. Let me explain what I mean. I will take the instance of a district which has been recently settled ; I refer to Muttra. I am not sure if to Muttra the period provided in this new Bill will be applied or the old period of thirty years will be applicable. I take it that in Muttra the settlement that has just taken place has been based upon the old rules and that Muttra district has been settled for thirty years. Well, if the settlement will last thirty years, then I suppose this Bill when it passes into law will be applied to that place thirty years after, viz., in 1956. Thus the people of Muttra will profit only forty years after that, which means 1996. So we are legislating now not for the present generation, not for persons who are living in the present time but for posterity. Now I may tell the Hon'ble the Finance Member that posterity is a very limited quantity, and the fact that he is legislating for posterity seventy years ahead shows a remarkable foresight, a wise statesmanship, but certainly it does not take into account, it ignores completely, the existing condition of the zamindars and of the tenants of this province. From this point of view I would urge that unless and until some provision is made in this Bill for making it applicable to the existing settlements, the people of these provinces, the people of Agra and Oudh, whether they belong to the peasant class or to the zamindar class, will not touch it with a pair of tongs.

I admit that there are some provisions in the Bill which are of great benefit to the people of this province. There are three features which have appealed to me and I am sure will appeal to every member of this Council. In the first place there is the provision regarding the reduction in the proportion of revenue to assets. The revenue proposed in each mahal will ordinarily be 40 per cent. of the assets. It will vary between 35 and 40 per cent. and may fall as low as 30 per cent. in certain circumstances. This is a most beneficial clause in the Bill. The other feature which deserves attention is the clause in the Bill which provides that enhancements are not to exceed one-third of the expiring demand. That, Sir, I am sure will benefit every class in this province. The last feature which has not been noticed by other speakers is that a copy of the rent-rate report and the report of assessment will be placed before the members of this Council, so that they may, if they

want, have a discussion on the subject and the Government may consider their criticisms before taking any action upon the report of the settlement officer.

These are the three points which are in my opinion of great benefit and for which I must congratulate the Government. I must, however, say that unless provision is made for the application to the existing settlements of the ten years' increase which will be derived by the more fortunate districts which are settled after the Bill passes into law the Bill will be of little use to most people of these Provinces.

References have been made by some speakers to the permanent settlement and it has been said that this province ought to enjoy the benefit of the permanent settlement. I do not think that the permanent settlement can possibly be applied to these provinces in the present stage of our economic development. I know that Bengal has profited. But I also know that the landlords of Bengal have been foremost in advancing political, economic and social liberty. I believe they have been in the forefront of all movements of reform. I ask—can the same be said of our landlords? Have they taken the same part in the battle for constitutionalism as the Bengal landlords have done?

But I also know that the permanent settlement has proved a source of menace to the advancement of the industrial and economic position of the country. Sir, I admit that in 1861 the Government of India under Lord Canning had circularized the various local Governments and had asked their opinion as regards the extension of the permanent settlement. I am quite aware that most of the local Governments, including our Local Government were in favour of the permanent settlement and the policy was not turned down till 1883 by the Secretary of State for India. But Sir, those days are past and the young men who rule the Board of Revenue, who dream dreams of crores of rupees lying hidden in the coffers of opulent zamindars of these provinces those young men will not give us the benefits that will accrue from any extension of the permanent settlement.

The next point which I should like to bring to your attention is that the settlements in some districts have been conducted on lines which can only be characterized as unsound and Jewish. Take the case, for example, of the Moradabad district. In that district the settlements have been conducted on no principle whatever. I am not talking of the last settlement, the settlement of 1909, but I am speaking of the settlement before that. The report of the 1909 settlement shows that in the settlement which preceded it, in Thakurdwara the settlement was severe. In Moradabad it was full. In two other places it was quite unequal. I am quoting from the report of the settlement in the Moradabad district in 1909. The inequalities at the previous settlement were partly due to the difference in the methods followed by Messrs. Crosthwaite and Smeaton, and partly to varieties of procedure in different parganas by Mr. Smeaton. In respect of pargana Hasanpur in particular Mr. Boas has shown that it is not easy now to understand on what principles Mr. Smeaton's assessments were based. In that pargana specially the result of the assessments in different villages has been very various, enhancements and reductions being alike frequent." I should like to draw the attention of the Council to the fact that in some cases assessments have been so severe that the Government actually ordered fresh

[Dr. Shafa'at Ahmad Khan.]

assessment of whole tahsils and sometimes of whole districts which fared very badly. Then, Sir, the Hon'ble Finance Member has referred to Regulation VII of 1822, Regulation IV of 1828 and to Regulation 9 of 1833. He has also referred to the Saharanpur rules. I am, and have been a close student of the settlement reports of the 19th century, and I can say from my experience that some of the reports upon which the Hon'ble Finance Member seems to have based this Bill are not by any means a model of administrative efficiency or of statesmanship and that we should not adopt these reports. Those methods, those principles were applied by the settlement officers only after a considerable amount of caution, a considerable amount indeed of reserve. I think that if these Regulations are applied without any modification they will work very hard indeed so far as the majority of the districts are concerned. I think, Sir, that the Bill as a whole is a Bill which will be liked by the majority of the people of this province; but I am sorry to say that unless in districts like Moradabad, Bijnor, Budaun and others are given extensions of existing settlements, it will not be acceptable to the people of this province.

Lieut. Nawab Jamshed Ali Khan: I begin my speech by congratulating and thanking the Hon'ble the Finance Member for putting forward this Bill before the House. This is a very trodden but important question and it has often been discussed on the floor of this House. Sir, it is a time when the fate of the zamindars is going to be decided. Up to this time we have always been asked by the Government to be more sympathetic towards the tenants, and to give more rights to the tenantry. Now, Sir, the zamindars are very anxious to see how far Government is going to adopt the same attitude towards the zamindars. Sir, I am glad to say that we the zamindars have done our duty by referring the tenancy bill to the select committee. Putting aside all other sections of the Bill which are of equal importance, I would only ask the Government to enhance the present term of settlement. It is said by Government that it is a sort of contract, and that is why the present term of settlement cannot possibly be enhanced. I submit, Sir, that when a living section of the living law can be paralysed by one stroke of pen by a member of the Board of Revenue, and when all the contracts between the tenants and zamindars become null and void on the enforcement of the tenancy Act, how it is possible that the present term of settlement cannot be enhanced? Sir, the land in these provinces is so heavily taxed that we have no alternative but to come forward and ask Government in the name of the unfortunate zamindars and in the name of the poor tenants that the term of the present settlement be extended.

ستم اور جور نے جا کے تماشہ تو بہت دیکھے
غایت ہمارے ہے حد کب بُت ہے پیر دیکھینگے

With these words I ask the House to refer the Bill to a select committee

Rai Bahadur Lala Mathura Prasad Mehrotra: I wish I could find such a large heart as that of my friend Rai Bahadur Thakur Mashal Singh to thank the Hon'ble the Finance Member for the presentation of this Bill. I can congratulate him indeed for the lucid expression, for the eloquent and tactful way in which he has put the case before the

honourable members of the House. Sir, I do not want to go into the details of the Bill, as they have already been thoroughly brought before the House by Khan Bahadur Maulvi Fasih-ud-din Sahib. I would take my stand upon two points only, that is, the extension of the term of settlement to forty years and the powers of the settlement officer. Sir, the powers of the settlement officers have been kept so wide that we depend entirely upon his sweet will and mercy. When a settlement officer can increase revenue on the mere assumption that such and such a village ought to pay an increased rent, and the rental value of such and such soil ought to have been so much increased and has been neglected by the zamindar, then there can be no further extension to his enormous and arbitrary powers. If the rules are going to be codified, I think there ought to be a limitation of his powers and the question of the mere assumption should not be left open to him. When we have got regular entries of jama of all villages in the khataunis and khewats of patwaris, why should we not rely upon them? Whatever is to be extended, should be extended upon the village taken as a whole. Then I come to the question of the settlement. This is a very important question and Khan Bahadur Maulvi Fasih-ud-din Sahib has already brought out many of its aspects. I will take another aspect. He has clearly put and proved before the House that since the last settlement, the condition of the zamindars has been going from bad to worse and they are living from hand to mouth, being over 90 per cent. in debt. Now I do not want to say anything more about it. I will take the condition of the peasants, upon which depends the prosperity of zamindars. If the Honourable the Finance Member will tour in the villages he will be surprised to see the dilapidated condition of the villages; the houses are in a very bad condition; the children of the tenants look famished; they cannot cover themselves with sufficient clothing, they are half dressed, and practically starved. Some of them get one meal a day only and others again get a meal on every alternate day. Can anybody expect them to give anything more? And if nothing can be got from them, what can you get from the zamindars whose business is to collect rent from them. Never agree nor should I agree upon the present settlement under the conditions. Then I will remind the Government, and I think it is in the fitness of things to remind them, of the few humble services that our province as a whole has rendered to the Government. At the time of the mutiny of 1857 when the zamindars rendered services to the Government they got jagirs and grants, certain estates were permanently settled and in this way the zamindars of the province got substantial relief. But in the late war we tried our level best to contribute whatever we could and what we got in return was that a large number of names were announced in the gazette, letters of thanks were received from the Government, a few of them also got titles, but nothing substantial. Our hopes depended and centered upon the question of the extension of the term of settlement and nothing else. In reply to the many addresses presented to the high officials of Government we were given to understand that we would receive sympathetic treatment in connexion with this question. We were privately given to understand that the term would be extended. I have just brought a book from the library which is called "India's contribution to the great war" printed by the Government of India. I was looking for the contribution of this province to the war. I could not find the monetary

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

contribution under a separate head, but there is a figure for the combatants and non-combatants of this province and I can compare this figure with the figures of any other provinces in India. Sir, our province contributed 1,63,578 combatants and 1,17,565 non-combatants. The total comes to 2,81,143. We stand second, Sir, in this respect. Of course the Punjab naturally heads the list. After rendering all these services and shedding the life of so many tenants of our provinces, we had hoped for the extension of the term of existing settlement; but the Hon'ble the Finance Member has said that it was a contract for 30 years and that it should be renewed at its expiry and should not be extended. It was only yesterday when the question of Landhaura estate came up, the Hon'ble the Finance Member in reply to a question said that the contract had been given up before time because it was thought that the man would not be able to pay so much. So, Sir, the contract can be given up. Now, our contract is to expire, and we want that the same contract under the same terms should be extended for another thirty years. That is all that we demand. We want that no increment should be made for another thirty years; that the present contract should be regarded as for sixty years instead of for thirty years. We do not ask you to decrease anything from the demand under the contract; we only request you to give us the same contract on the same terms for another thirty years. That is our only and simple demand. If the Government is not going to accept this humble request of ours, then I think it will be in the interests of the country and the Government to acquire land from petty zamindars like myself and from those zamindars who pay less than Rs. 20,000 as land revenue and who come forward to give up their zamindaris after paying them market rates for the land. Then you may establish whatever system you like; you may establish the ryotwari system or whatever system you may wish to establish. We only want the market prices for our estates and we shall be glad to hand them over to the Government, as has been done in Ireland. That is all that I can say if the present term of the settlement is not to be extended.

Lient. Raja Durga Narayan Singh : Before I begin to say anything on the subject I would like to quote a Urdu couplet—

Nalai bulbule shaida to suna hans hans kar,

Ab jigar tham ke baitho meri bari ai.

First of all, I thank the Government, especially our worthy Finance Member, for bringing before us this Bill which will undoubtedly prove beneficial to the zamindars—not only to the zamindars but to the tenants also. One thing is very important and we should bear that in mind, and that is this, that the zamindars, whether they are big or small, and taluqdars, whether they have got big landed property or whether they have got small landed property, are entitled to the same concessions. The time has come when we can ask something substantial from Government.

Everybody knows that this class of landlords always stood by the side of the Government. They always helped the Government whenever their services were required by it. Therefore it is not unfair if the zamindars now ask as a favour from the Government, which is rightly their due

and which the Government ought to grant. It is needless for me to traverse the same ground and repeat the arguments advanced by my friends in this House. Whenever the Government and this country needed their help, the zamindars always co-operated with them. Everyone is aware, and even the Government is aware, of the sacrifice that the zamindars have made by co-operating with them in those days. Taking this into consideration, we only ask the Government for a little favour. Not only from the floor of this House but also from different platforms of the landlords we have been urging that the term of settlement should be extended to fifty years. I am really grateful to the Government for extending it to forty years. In this connexion I have to say only one thing and it is this. If the present term of settlement is not extended to forty years it will be of no use to the present landlords of these provinces. As a matter of course everybody will like to enjoy the concession in his own life-time. It may be said that we are urging this in our own self-interest. No doubt our self-interest is involved in it and that is why we are pleading for it. I hope that Government will move the higher authorities if necessary and see its way to extend the present term of settlement. We are marking every day the changes which are taking place in the country and God knows what will happen after forty years. In the circumstances I hope the Government will do what it can to meet the combined wishes of all the landlords.

Khan Bahadur Hafiz Hidayat Husain: As I will have to serve on the select committee, I do not think I should go into the details of the Bill. I will confine myself to one or two observations, which I think are pertinent to the subject under discussion. The first is the extension of the settlement period. I have no mind to waste the time of the Council by a reiteration of the arguments advanced in favour of extension. It is today the twelfth occasion since the reforms came into being that this subject has been discussed on the floor of this House. All the arguments which the non-official members could advance in support of this cause have now been exhausted, and the subject has been discussed threadbare. And I for my part am prepared to own defeat. I can only appeal to the sagacity, the wisdom and the statesmanship of Sir Samuel O'Donnell to concede to the unanimous wishes of the zamindars of this province for an extension of the term of settlement so that his name may always be remembered with gratitude by the coming generations. I do not think, Sir, that if the Government of the United Provinces made a strong recommendation to the Government of India for the extension of the term of settlement that Government would turn a deaf ear to its recommendation; for after all that recommendation will be based on the unanimous wishes of the people, and no Government can ride roughshod over the united wish of a people whom it governs. Sir, the Government is taking away from the zamindars a very valuable right. It is going to detract from the absolute proprietorship of the zamindars by a grant of statutory tenancy. Are not the zamindars entitled to ask in return that they might be granted the concession, on which their hearts are set—the extension of the present settlement?

My friend, the learned representative of the Allahabad University stated this morning that he was not prepared to accept the suggestion which was made by me, and my friend, Rao Abdul Hameed Khan Sahib, that the zamindars were the absolute proprietors of the land within the ambit of their zamindaris. Let me refer him to the book called

(Khan Bahadur Hafiz Hidayat Husain)

"Land Revenue in British India," written by that eminent authority on Revenue Law, Sir Baden Powell. At page 49 of his book he says as follows :—

"It is also fruitless to discuss exactly what the oriental institution of land revenue is, whether a land tax or a rent or what. Certainly it bears very little resemblance to the land tax in England. At one time the tendency was to regard the ruler as the ultimate landlord or owner of the soil, the revenue was then called a 'rent.' We shall have something to say about this hereafter. At present it will only be necessary to note that the British Government has everywhere conferred or recognized a private right in land, and in large areas of country (Bengal, Oudh and the whole of Northern India for example) it has expressly declared the proprietary right of the landlords and the village owners. It is then impossible any longer to say broadly that the State takes a rent from the landholders regarded as its tenants. There are no doubt cases where Government is the immediate owner of particular lands, as it is of all waste and unoccupied land in general, but we are speaking of cultivated land in villages and estates. The Government is certainly not owner of this, the utmost it does is to regard the land as hypothecated to itself as security (in the last report) for the Land Revenue assessed on it."

Therefore I think it would be wrong to say that the zamindar is not the absolute proprietor of the land of which he is the zamindar. And consequently my submission is that if the Government is anxious to profit the tenants at the expense of the zamindar by taking away valuable rights, from their hands it is only reasonable that some concession was granted to them. I stated last year, that the idea prevalent was that the Government by the introduction of these two Bills wanted to play the tenants against the zamindars and *vice versa*. That was very strongly denied by the honourable the leader of the House. But the fact still remains that the tenants gloat over the idea that they are going to have a valuable right conceded to them and the zamindars think that although they are going to be sacrificed for the advantage of the tenant, they are denied a concession which they are privileged to lawfully claim from the Government. True the land revenue is the mainstay of State income, but the mainstay of the country's prosperity ought to be the happiness and contentment of the agricultural class, both zamindars and tenants. If they are satisfied, there will be peace and happiness. If they are not satisfied, there will be discontentment and all its resultant evils.

Now I will very briefly deal with the provisions of this Land Revenue Bill. I refer to clause 63J under which 40 per cent. on the assets is the basis for revenue. If you add to this about 10 to 13 per cent. that will be realized from the landlords for *abwab*, they are left with 47 per cent. Out of this you have got to deduct so much for collections, so much for unrealized rentals and so much for litigation expenses. What is then left to the zamindars? Barely 25 to 30 per cent of the assets. Therefore I think that it will be equitable to make a rule that in no case, if any enhancement is decided on, that enhancement will be more than a third of the present demand. And in all these cases an inquiry into the presiding capacity of land and the economic

condition of the agriculturists should be made a condition precedent to the enhancement of revenue. The existing provisions may not act harshly on the Agra zamindars, but will certainly so act in the case of Oudh. In Oudh there have been only two settlements. The first was when the Province was ceded by the British Government, and the second is the current settlement. Oudh landholders by their industry and by investment of large sums of money have improved their estates and get fair rentals from those states found in the Agra province. If you increased the revenue by one-third calculated on the assets, the result would be that with all these expenses Oudh landholders will have very little left to them and some of them may probably have to surrender their zamindaris.

After this I come to clause 63D. I think in making assessments on nikasi at least 25 per cent. of the rentals on the land held by the zamindar should be left out of calculation for fixation of revenue. We have got a similar clause in the Tenancy Act in regard to the exproprietary holding. The exproprietary holder pays 25 per cent. less than rentals of occupancy tenants of land of the same class and with similar advantages. Therefore, I think it fair that because the landlords have got to work in the fields or employ labourers to work for them, this 25 per cent. should be allowed them. So far, abadi, rivers and tanks were excluded in calculating the assets; under the present Bill even mango fruits and fishes will be brought into hotchpot. Now it is notorious that mango fruits are not very often cared for, particularly by big landholders. They are left for consumption by tenants and passers-by. It will be rather unfair to the landlords if these petty items are also included in the calculation of assets for assessment purposes. I do not think that I should employ the time of the Council any further. Speakers who have preceded me have spoken with regard to the permanent settlement. Permanent settlement is now a dream. I do not think that we could have it at least during the life time of the present generation. Time might come, when the present settlement might come again within the range of practical politics. Now, however the zamindars confine themselves to the demand that this settlement should at least be extended to another 20 to 30 years and this is a demand which is both fair and equitable for the Government to accept.

Raja Narayan Pratap Singh: Before I enter into the interior side of the debate I think it my duty to congratulate the Hon'ble Finance Member and thank the Government for this Bill. The position of a zamindar to the Government is nearly just the same in many respects as the position of the tenant is to the zamindar. By the introduction of the Agra Tenancy Bill, which has been referred to the Select Committee, the Government have asked the zamindars to confer some very important rights on the tenants which they have been enjoying for the last 25 years. In the same debate the Hon'ble Finance Member said that in return the State was going to give something to the zamindar, and that has been offered in the shape of the present Land Revenue Bill. In the main there are three concessions which are going to be conferred upon the zamindars. The first is that the revenue shall, ordinarily, be in future 40 per cent. of the net assets, though it may vary up to 45 percent. for various reasons. The second concession is that the revenue in any of the future settlements shall not ordinarily be increased by more than one-third of the present revenue, and

[Raja Narayan Pratap Singh.]

the third and last concession is that the future term of settlement shall be extended to 40 years instead of 30. I am bound to say that there is a little improvement on the present law and for it the Government deserves our thanks. As regards the first two concessions no doubt we will get some benefit in the near future, but I am very doubtful as to the third. How many of us present in the Council today will be able to enjoy the benefit after 40 years. This concession will be of no benefit for one reason more. At present day by day the productive power of the land is decreasing. At the same time in a large part of the province the rents have gone up very high. In the future settlement after 40 years I am very doubtful if there will be any room for future enhancements of rents of the tenants. In this way the zamindars will get no benefit from this extension if the present term is not extended. Who knows what the condition of affairs will be 40 years hence and what form of Government there will be in those days? Is there any guarantee that this law will remain unamended for 40 years? What we wanted first is a permanent settlement. But, as Khan Bahadur Hafiz Hidayat Husain said, we should not dream of it. Next we wanted the extension of the term to 60 years and in that respect our request has been met only by the extension of 10 years in the future settlement and not in the present settlement. The present settlement will remain. The Government is not prepared to relinquish existing contracts. I am sorry that the Government has not been able to meet our request, which is perfectly legitimate. We do not want it as a *khairat*. Our demands are justified on two points. Some concessions have been taken by the Government from the zamindars and are going to be given to the tenants. We have also rendered meritorious services to the Government from time to time. I can say we have helped the Government through thick and thin. We have helped the Government in the mutiny, we have helped the Government during the great war and it is an irony of fate, Sir, that the Government is not prepared to respect our demands in any way. Sometime not so long ago we had to face unpopularity and abuse simply for standing by the side of the Government. In spite of all these considerations the Government is not prepared to hear our request. The Government is too mighty and we can only make request and can do nothing more. I hope the Government will hear our request and will at least extend the present term of settlement so as to show that they are really giving some benefit to the zamindars. To the members of the select committee I would suggest that they should see that section 33J is made as clear as it can be. They should see that under no circumstances the revenue is to exceed at the most 35 per cent of the net assets. At the same time they should also consider over the question of the extension of the term of settlement to 60 years and for the extension of the present term of settlement by ten years. To the Government I would say, rather I would request that the Government should give up the present selfish attitude, because zamindars have done much for them. They have heard abuse and the Government should come with open heart and give us at least something in the shape of the extension of the present settlement. Though the present Bill gives very little to us, still fortunately or unfortunately I am not one of those who will not accept even part of a loaf if I cannot get the whole, and so very

reluctantly I accept what has been given and half-heartedly support the motion of Hon'ble the Finance Member for referring the Bill to the select committee and request the members of the Select Committee to work fearlessly and use all their force to take out from this unwilling Government whatever they can get.

Hon'ble Sir Samuel O'Donnell: Much of the debate today has centered round the question of the extension of the term of the existing settlement. Now, Sir, I can of course quite understand the reasons that have inspired the demand for the extension of that term. That distinguished economist Sir Josiah Stamp, in a recent work on taxation said that when he was a surveyor of income tax he often felt inclined to put up a notice in his office to the following effect: "Do not say that if you had the money you would willingly pay the income tax, because you would not." That, Sir, is the attitude which we all tend to adopt in regard to the demand of the State. None of us wishes to pay more to the state than what we have to pay. But we in this Council are here not in our individual capacity, not even as representing any section of the tax-payers, but as representatives of the whole community, and the question we have to consider is whether there are any grounds of public policy on which this extension can be justified. Now, Sir, it cannot be denied that the settlements which are about to expire were owing to the rise in prices exceptionally favourable to the landholding classes. Prices began to rise in this country from 1904 onwards. The rise continued steadily up to the war. During and after the war there was a further and still larger rise and at the present moment prices are nearly 120 per cent., higher than they were when these settlements were made. It is true that rents have not risen in proportion to prices, but they have risen very substantially indeed. I could cite figures in support of this if it is necessary to do so, but of course the fact is universally known. Now, Sir, I can see no ground why the State should forego its claim to a share in the increased profit of the land. One reason suggested was that prices are going to fall. I do not know upon what that statement is based. I take it that prices in this country are likely to follow the course of gold prices in the world. No one can say with certainty what that course will be; but one distinguished economist, Mr. J. M. Keynes, has given it as his conjecture that gold prices in the world are likely to rise during the next 10 and 20 years. At any rate the present moment there are no indications of a substantial fall in prices. Then, Sir, it has been said that the cost of living has increased. That, of course, is quite true. We all know to our cost that the cost of living has increased, but when a man's income increases he has to pay more income-tax (if he is subject to that tax) and in no country as the plea that the cost of living has increased accepted as a reason for his not paying.

Rai Bahadur Lala Mathura Prasad Mehrotra: What about the amount of production?

Hon'ble Sir Samuel O'Donnell: That is not in any way relevant. Then, Sir, Khan Bahadur Maulvi Fasil-ud-din has said that the landlords have become impoverished. I am afraid that I cannot really take that statement very seriously. I know of no evidence in support of it. He said that there was a large number of processes issued for the recovery of arrears of rent. It is true that there has been an increase

[Hon'ble Sir Samuel O'Donnell.]

in the number of writs and so on, but that I think is due to the fact that the number of landlords has increased. I find on looking at the report for the year 1923-24 that in the whole province there were only sixteen cases of sale of immovable property. Considering that the number of landlords is reckoned by millions, it is obvious that the land revenue is collected without difficulty.

Lastly, Sir, it has been said that the tenants are impoverished. I agree that the present condition of the cultivators is one which we would all like to see improved; but I cannot attribute that to the effect of our settlement policy. I do not think that cultivators are better off in the permanently settled areas. There is the Benares division in which there is a permanent settlement, and I should be surprised to hear that the condition of the cultivators in the Benares division is better than the condition of the cultivators in the Meerut division, which is only temporarily settled. The standard of well-being in the Meerut division is decidedly higher than in the permanently settled districts. I cannot therefore agree that the settlement policy is responsible for the poverty that exists among many of the tenants.

It must be remembered, Sir, that we are not proposing anything new. Settlements have always been made in this province for thirty years. We are not, too, proposing anything which is not in accordance with the practice of every other province. I am not aware that there is any proposal in any other province that the term of the existing settlements should be extended. There is a proposal in the Punjab for extending the period of future settlements, but there is no proposal, as far as I know, in that province that the term of the existing settlements should be extended. Nor, Sir, are we proposing that the State should make no concession to the landlords. Quite apart from the extension of the period for which new settlements are to be made, we are proposing that the percentage of revenue to assets should be substantially reduced. We are proposing that the enhancement on mahals should be very greatly curtailed and both these concessions will involve a substantial loss of revenue to the State. We are prepared to face that loss; but I do not think that there is any ground of public policy on which we should be justified in foregoing for ten or thirty years longer the State's fair share of the increased profits on land.

Most of the other points are points which had better be left to the select committee. I do not include in them the question of permanent settlement, because, as my friend Khan Bahadur Hafiz Hidayat Husain and another honourable member have said, it is merely not a question of practical politics. I may mention, however, that Sir Harcourt Butler, whose friendship for the landlords will not be disputed, was decidedly opposed to a permanent settlement, and his proposal was only that in certain districts the term of settlement should be 35 or 40 years i.e. the term of new settlements.

I think there is some misapprehension on the subject of circle rates. Some honourable members seem to fear that the change proposed will work to the disadvantage of the landlords. The facts are these. It used to be the practice in framing standard rates to take into consideration the rents paid by tenants of 21 and 30 years' standing.

The reason for that was that it was essential for the purpose of framing standard rates, to select rents which left a fair margin between standard and competition rents. In recent years owing to the rise in competition rates there is an excessive divergence between the rates paid by tenants of 21 to 30 years' standing and competition rates, and therefore it is only reasonable that we should take into account also the rent of those tenants who have held for a shorter period. But I do not see why that should operate to the disadvantage of the landlords, since we also provide for enhancement of inadequate occupancy rents.

Pandit Nanak Chand : What about its effect on tenants and small landholders ?

Hon'ble Sir Samuel O'Donnell : I do not see why it should operate to their disadvantage. There is no question whatever of raising rents unduly. I think it was the same honourable member who said that we proposed to base revenue on prospective assets. He is quite mistaken. There is no proposal whatever that revenue should be based on prospective assets. Naturally the settlement officer will not base his rates upon occupancy rents which are clearly inadequate, but there is no question of taking prospective assets into account. If the occupancy rents are inadequate, it is always open to the landlord to apply to have them enhanced.

Then, Sir, some honourable members have suggested that we ought to take as the basis of settlement the recorded rents. I am afraid if we did that, the result will be very unfortunate indeed for the landlords. I have before me the figures of the last four settlements, and Mr. Lane informs me that if we had based the settlements in those four districts on the recorded rents, the assessments would be six lakhs higher than they are actually at the present moment. Therefore I think my friends will realize that this proposal would be a very unfortunate change from the point of view of landlords.

Lastly, Khan Bahadur Hafiz Hidayat Husain did not perhaps correctly appreciate the proposal regarding the limit of enhancement. He seemed to think that the limit was normal. It is not proposed, however that the assessments should be increased normally by one-third; one-third is simply the limit. At present there is no limit to the enhancement in the case of a single mahal; there is a limit in the case of a whole district, but not in the case of any smaller unit. The settlement committee proposed that the limit should be 50 per cent. We have gone still further and we have proposed that the limit of enhancement in any case should not be more than one-third.

All the other points, as I have said, are points that can well be left to be discussed in the select committee.

Hon'ble the President : Before I put the motion to the House, may I ask if there are any proposals for the alteration of the personnel of the select committee. If there are any proposals I should like to have them.

[There being no proposals, the Hon'ble the President proceeded to put the motion to the House.]

Hon'ble the President: The motion is that the United Provinces Land Revenue (Amendment) Bill be referred to a select committee consisting of—

1. Mr. A. W. Pimp.
2. Mr. H. A. Lane.
3. Khan Bahadur Hafiz Hidayat Husain.
4. Khan Bahadur Maulvi Fasih-ud-din.
5. Maulvi Muhammad Obaid-ur Rahman Khan.
6. Rai Bahadur Thakur Mashal Singh.
7. Rai Sahib Chaudhri Sheoraj Singh.
8. Rai Sahib Munshi Amba Prasad.
9. Rai Bahadur Thakur Hanuman Singh.
10. Rai Bahadur Babu Ram Nath Bhargava.
11. Raja Muhammad E'jaz Rasul Khan.
12. Mr. Mukandi Lal.
13. Mr. Zahur-ud-din.
14. Thakur Sadho Singh.
15. Hon'ble the Finance Member.

The motion was adopted.

Hon'ble Sir Samuel O'Donnell: I think it will be better if the other two bills are taken up tomorrow. They are very small bills and will not take much time.

Hon'ble the President: The non official business will come then after those bills?

Hon'ble Sir Samuel O'Donnell: Yes. They will not take much time, as I said.

The Council was then adjourned until the following day.

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LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Wednesday, March 31, 1926.

THE Council met in the Council Chamber, Lucknow, at 11 a.m.,
Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT :

(51)

Hon'ble Sir Samuel O'Donnell.	Chaudhri Jaswant Singh.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khau.	Pandit Nanak Chand.
Hon'ble Rai Rajeshwar Bali.	Rai Bahadur Babu Ram Nath Bhargava.
Hon'ble Thakur Rajendra Singh.	Lala Dhakan Lal.
Hon'ble Nawab Muhammad Yusuf.	Rao Sahib Kunwar Sardar Singh.
Mr. G. B. Lambert.	Pandit Brijundan Prasad Misra.
Mr. E. A. H. Blunt.	Raja Narayan Pratap Singh.
Kunwar Jagdish Prasad.	Raja Sri Krishna Dutt Dube.
Mr. G. B. F. Muir.	Rai Sahib Babu Dip Narayan Roy.
Mr. P. H. Tillard.	Rai Bahadur Thakur Hanuman Singh.
Mr. H. A. Lane.	Bhaya Hanumat Prasad Singh.
Mr. R. L. Yorke.	Pandit Baijnath Misra.
Mr. R. Burn.	Rai Bahadur Thakur Mashal Singh.
Mr. A. W. Pim.	Mr. Muhammad Aslam Sa'id.
Mr. B. J. K. Hallows.	Rao Sahib Abdul Hameed Khan.
Mr. C. M. King.	Lieut. Nawab Jamshed Ali Khan.
Mr. H. G. Billson.	Mr. Muhammad Ismail Ali Khan.
Mr. R. J. S. Dodd.	Maulvi Muhammad Obaid-ur-Rahman Khan.
Mr. A. H. Mackenzie.	Khan Bahadur Hafiz Hidayat Husain.
Mr. G. Clarke.	Saiyid Muhammad Ashiq Husain.
Raja Muhammad Ijaz Rasul Khan.	Khan Bahadur Maulvi Fasih-ud-din.
Raja Bahadur Brij Narayan Rai.	Khan Bahadur Mr. Ashiq Husain Mirza.
Mr. H. David.	Rai Bahadur Lala Mathura Prasad Mehrotra.
Babu Jai Narayan Chaudhri.	Lieut. Raja Shaikh Imtiaz Rasul Khan.
2nd Lieut. Chaudhri Balwant Singh.	Dr. Ganesh Prasad
Rai Sahib Lala Jagdish Prasad.	

MEMBER SWORN :

Mr. P. H. Tillard.

THE UNITED PROVINCES LAND REVENUE (SIR AMENDMENT) BILL.

Hon'ble Sir Samuel O'Donnell: I beg to move that the United Provinces Land Revenue (Sir Amendment) Bill be referred to a select committee composed as follows :—

- (1) Mr. R. Burn, C.S.I., I.C.S.,
- (2) Mr. H. A. Lane, I.C.S.,
- (3) Lala Bihari Lal,

[Hon'ble Sir Samuel O'Donnell.]

- (4) Khan Bahadur Mr. Muhammad Ismail,
- (5) Khan Bahadur Maulvi Fazl-ur-Rahman Khan,
- (6) Khan Bahadur Maulvi Fasih-ud-din,
- (7) Lieut. Raja Durga Narayan Singh,
- (8) Raja Narayan Pratap Singh,
- (9) Raja Jagannath Bakhsh Singh,
- (10) Rai Sahib Lala Jagdish Prasad,
- (11) Babu Sangam Lal,
- (12) Babu Nemi Saran,
- (13) Pandit Govind Ballabh Pant, and
- (14) Myself.

This Bill is of a purely consequential nature. The Agra Tenancy Bill has altered the definition of *sir* so far as it applies to the Agra Province, and it is clearly necessary that the definition of *sir* in the Land Revenue Act should be brought into conformity with that in the Agra Tenancy Bill. This Bill accordingly provides that *sir* in the Land Revenue Act shall have the same meaning as it bears in the Agra Tenancy Bill and therefore we are proposing, Sir, that this small Bill should be referred to the committee which will deal with the Agra Tenancy Bill.

Hon'ble the President : The question is that the United Provinces Land Revenue (*Sir Amendment*) Bill be referred to a select committee consisting of the following members:—

- (1) Mr. R. Burn, C.S.I., I.C.S.,
- (2) Mr. H. A. Lane, I.C.S.,
- (3) Lala Bihari Lal,
- (4) Khan Bahadur Mr. Muhammad Ismail,
- (5) Khan Bahadur Maulvi Fazl-ur-Rahman Khan,
- (6) Khan Bahadur Maulvi Fasih-ud-din,
- (7) Lieut. Raja Durga Narayan Singh,
- (8) Raja Narayan Pratap Singh,
- (9) Raja Jagannath Bakhsh Singh,
- (10) Rai Sahib Lala Jagdish Prasad,
- (11) Babu Sangam Lal,
- (12) Babu Nemi Saran,
- (13) Pandit Govind Ballabh Pant, and
- (14) Hon'ble the Finance Member.

The motion was put and adopted.

THE OUDH RENT (AMENDMENT) BILL.

Hon'ble Sir Samuel O'Donnell : I beg to move that the Oudh Rent (Amendment) Bill be referred to a select committee composed as follows:—

- (1) Mr. R. Burn, C.S.I., I.C.S.,
- (2) Mr. H. A. Lane, I.C.S.,
- (3) Raja Saiyid Ahmad Ali Khan Alvi, M.B.E.,
- (4) Khan Bahadur Chandhri Muhammad Rashid-ud-din Ashraf,
- (5) Rai Bahadur Lala Mathura Prasad Mehrotra,

- (6) Kunwar Surendra Pratap Sahi,
- (7) Raja Jagannath Bakhsh Singh,
- (8) Rai Bahadur Thakur Hanuman Singh,
- (9) Rai Bahadur Thakur Mashal Singh,
- (10) Lieut. Raja Shaikh Imtiaz Rasul Khan,
- (11) Babu Sita Ram,
- (12) Qazi Habib Ashraf,
- (13) Babu Mohan Lal Saksena and,
- (14) Myself.

The Bill contains four proposals. The first is that a tenant should be empowered in certain circumstances to surrender a part of his holding. The construction of the Sarda canal has had the effect in many cases of separating holdings into two or more parts. Where there is not a convenient bridge between the tenant's home and the parts of his holding beyond the canal, the distance which the tenant has to travel is often such as to make it not worth his while to cultivate the part of his holding that lies beyond the canal. It seems reasonable in these circumstances, when the conditions of his holding have been changed by the construction of the Sarda canal, that he should be able to relinquish the part or parts to which his access is seriously impeded.

Secondly, there is at present no provision in the Oudh Rent Act, as there is in the Agra Tenancy Act, whereby a landlord can bring a suit to set aside a notice of relinquishment by his tenant. At present the only method by which a landlord can contest such relinquishment is by raising the issue in a suit instituted for a different purpose, e.g. in a suit for arrears of rent. Now for this to be possible the land must be left unlet and fallow after the alleged relinquishment. That of course entails delay, loss, and uncertainty which is to the detriment of both parties. It is particularly desirable that such delay and loss and uncertainty should be avoided. Accordingly the Bill makes it necessary that a relinquishment, if it is to be disputed at all, shall be disputed at once in a suit specifically instituted for that purpose.

The third proposal, and the most important proposal, in the Bill is this. The Bill to amend the Agra Tenancy Act, as honourable members know, provides that enhancements of rent shall be limited to one-third of the existing rents, and as a corollary to that the Bill to amend the United Provinces Land Revenue Act, which applies to the whole of the United Provinces, provides that the enhancement of revenue shall be limited to 33½ per cent. of the expiring demand. Now it is clearly desirable that that concession should extend to the landlords of Oudh. It follows, therefore, that there should be in the Oudh Rent Act a provision corresponding to that in the Agra Tenancy Bill. The object of this Bill, is to make that provision.

Lastly, Sir, the procedure in suits for enhancement of rent which was in force in Oudh till the Oudh Rent Act was passed and is still in force in Agra has been universally condemned on account of the complexity of its machinery, the consequent delays, and the uncertainty of the decisions. Everyone who has ever had to work that machinery—I had to myself as a sub-divisional officer—knows how entirely unsatisfactory it is. The roster year system was introduced in Oudh with the object of replacing the present system by one more satisfactory. Chief among the defects of the system are the provisions relating to the selection of exemplar fields and the comparison with them of the fields in suit. I

Hon'ble Sir Samuel O'Donnell.

have had to do that myself that is to say to compare the exemplar fields with the fields in dispute and I can assure honourable members that the process was entirely unsatisfactory both to myself and the parties concerned. To remove these defects, as I stated, the roster year system was devised for Oudh; but by an over-sight sub-sections 51D (5) and 51G (1) of the Oudh Rent Act retain the old provisions relating to exemplar fields, which are opposed to the basic principles of the roster year system. The special officers who have been engaged in Oudh since the revision of the Oudh Rent Act in framing the roster year rates are all agreed in finding that these particular provisions about the exemplar fields are unworkable. These provisions have in fact been condemned by every experienced revenue officer, and the Committee on the Agra Tenancy Act while accepting the general principles of the roster year system have rejected these particular provisions as unsound. We propose, therefore, to delete them from the Oudh Rent Act.

Rai Bahadur Lala Mathura Prasad Mehrotra : The Bill as it stands before us looks very simple and straight forward at the first sight; but if the honourable members will compare some of its sections with those of the existing Act they will find that it involves some very important points. Nobody can dispute the fact that if a field is separated by a canal it should not be taken away from the entire holding of a tenant; but, Sir, when the explanation of the word "canal" goes so far as to mean a channel, branch, distributary, drainage cut or minor work constructed under the Northern India Canal and Drainage Act, 1873, it becomes very dangerous. Sir, in this way even the smallest cut will make the tenants eligible for giving up any part of their holding, which is one of the most important points of the Oudh Amendment Act. So, it is for the committee to consider this question very minutely. It also involves some questions of principle which I do not want to discuss here. Sir, there is another question of limitation of the enhancement of rent. I also do not want to go into its merits and demerits here. I, having the honour of being a member of the select committee, will put my views before the committee, but I will only submit that it does involve some two or three most important points and it is not as simple as it looks at the first sight.

Hon'ble Sir Samuel O'Donnell : I think that Rai Bahadur Lala Mathura Prasad Mehrotra Sahib has not correctly understood the intention and the effect of clause 2 of this Bill. He said that, however, small the channel or drainage cut might be provided that there was any sort of separation of a tenant's holding he would be entitled to give up one portion of it. That really is a mistake, because if honourable members will look again at the Bill they will see that it contains these words "if the construction of the canal materially impedes his access to the part." Well, obviously if the drainage cut or channel is a very small one it could not materially impede the access of the tenant to a part of his holding. It is only when his access is so impeded that we propose he should be allowed to give up the portion that is no longer within his power to cultivate owing to its distance from his home.

The motion that the Oudh Rent (Amendment) Bill be referred to a select committee as specified above was put and adopted.

RESOLUTIONS.

RESOLUTION re HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS.

Babu Jai Narayan Chaudhri : I beg to move—

"That this Council recommends to the Government to appoint a representative committee to draft a Bill to provide for better governance, administration, and supervision of Hindu religious and charitable endowments, including those charitable funds with commercial firms to which the public customarily has to contribute."

This resolution consists of two parts. One recommends the appointment of a representative committee to draft a Bill and the other part recommends the lines on which that Bill should be drafted. Before taking these two parts separately, I propose to make a few observations in regard to charitable and religious endowments. I do not propose to take the time of the House in describing the details of these endowments, nor do I propose to describe the condition of their management. It is well-known to all of us here that there are hundreds and thousands of endowments in this province. One who has been to such places as Muttra, Benares, Allahabad, Harwar, Rishikesh, and Ajodhya, can say that there are religious endowments, there are temples, very magnificent temples, of considerable wealth and magnitude. I do not mean to say that all those institutions are managed wrongly or they are not well managed. Some of them are managed by a committee of trustees and they are managed well, while others are in a neglected condition and their management is bad, and there is every likelihood that after a short time they will be extinct. There are two sorts of endowments. One in which a provision is found either in the deed of endowment or by long usage based on the wishes of the founder, that the trustees are to be appointed by the law of inheritance or by nomination of the outgoing trustees, while others are such where the management is made arbitrarily and there is no provision found for the appointment of trustees for those endowments. So far as the former class is concerned, the Government has no control over those institutions. By the Religious Endowments Act of 1863 the Government gave up all control over such institutions and they lie entirely in the hands of the hereditary trustees. So far as the latter kind of endowments are concerned, there the Government appointed a committee and made them independent of the control of the Government, gave them independent power of exercising control over those institutions. But those committees have in most cases neglected their functions, and the beauty lies in this that the Government in reply to a question put by the Hon'ble Pandit Nanak Chand said that it was not known to the Government whether those committees were functioning or not. So far as those institutions are concerned they have gone from bad to worse and there is every likelihood that after a short time those endowments with all the properties will be gone and extinguished. So far as the former class is concerned the good management of those institutions depends upon the goodness and ability of the trustee for the time being. If a trustee takes interest in an endowment, as long as he lives he manages it very efficiently and properly, but after he is dead and gone it is possible and quite probable that his successors may not take that amount of interest in the institution as their predecessor trustee used to take. In such cases there is a danger of harm and injury to those institutions. Look at the generosity of our predecessors who founded such

[Babu Jai Narayan Chaudhri.]

institutions. It is quite necessary for us, it is quite obligatory on us that we should see to their proper management; we should see that the original intention of the founder is fulfilled and performed. If it is not performed properly, if the management is not carried on in a proper manner, we are responsible both in the eye of the law and God. So far as those institutions are concerned where the Government has appointed committees to manage those institutions and they have not been properly managed, there are two factors responsible for it. One that we have not been taking proper interest in the up-keep of those institutions and the second factor is that the Government has not been taking that amount of interest in the maintenance of those institutions as it was necessary and obligatory on the Government. I hold the Government responsible for the management of those institutions. The committees which were appointed have left off functioning in many cases for several reasons. Either the members of those committees had no interest in those institutions, or now they do not have that zeal and enthusiasm in the matter which they had before. The other thing is this, that life tenure was given to the members of these committees and no provision was made for the removal of members from office for neglect of duty. It was left to private individuals to take steps in court for the removal of the trustees or the members of these committees. No one was made responsible for the supervision of those institutions; and private individuals do not take so much interest as to move the slow machinery of the law for removing the members or trustees. If any individual takes interest in such matters it is more often found that that interest is based on some personal grudge against the manager or the trustee. That interest is not shown on account of the religious or public spirit. The legislation that has so far been passed on this subject has failed to secure effective administration of these institutions. There is no provision therein for the supervision of these institutions; there is no provision for the auditing of the accounts of these institutions; there is no provision for raising funds by those committees to take legal steps for the removal of trustees who have been misappropriating or are spending money on improper purposes. So far as the Civil Procedure Code is concerned, section 92 provides to some extent for the removal of trustees, for the investment of trust property or for drawing up a scheme of management; but there too it has been left to private individuals to come forward and file suits against trustees. So far as Act No. XIV of 1920 is concerned, it is also lacking, in the same provisions as these two Acts have been lacking in. For these reasons I submit, Sir, that it is necessary to legislate on the point so that these institutions might be governed and administered properly, so that there might be no misappropriation of the money.

Besides these temples, Dharamshalas and Asthals which have been endowed by our predecessors, there is another kind of fund which lies with commercial firms. Every commercial firm in every commercial place charges some pice in a rupee on every transaction, both of sale and purchase. On my side it is called Dharmadha. Every firm has a large amount of money in this fund, and that fund is entirely at the disposal of the proprietors of that firm. I beg to submit, Sir, that the public is asked to contribute to these funds and they are intended for public charitable purposes. It is quite a different thing that they are in the hands of private firms. For the time being they are at the

disposal of those firms. But legally the public is interested in these funds and therefore they are entitled to have a voice in their disposal. These firms are responsible for rendering accounts to the public and the public is entitled to ask the firms for the accounts of these funds. I would go even further and say that the public is entitled to ask those firms to dispose of these funds for public charitable purposes. The resolution which I have placed before the Council deals with these two kinds of endowments and for the purposes of better administration, supervision, and governance of all endowments a committee is to be appointed to draft a Bill. I do not say that there will be no objection on the part of some Hindus to this motion. One objection may be that the Government should not interfere with their religious endowments. I do not mean to say that the Government should exercise any more control over these institutions than it has at present. What is wanted is not that the Government should interfere with religious performances for which these endowments are meant, or should interfere with the rights and powers of the trustees who have been appointed to administer these endowments. What is wanted is that the Government should see that these endowments are managed properly and that the purpose for which they were founded is attended to effectively and efficiently. Government should see that the income derived from these endowments is not wasted or misappropriated by the managers or trustees who are in possession of these endowments at present. It may be urged that the present legislation is quite sufficient for this purpose and that no new legislation is necessary. In reply to this I would refer the honourable members to a Government order which shows the condition to which these institutions have been reduced. Although it applies, . . .

Khan Bahadur Mr. Ashiq Husain Mirza : On a point of order, Sir. There is no quorum.

Babu Jai Narayan Chaudhri : Although that Government order was originally concerned with the endowments in Madras, I consider that which holds good for Madras is also good. . . .

Khan Bahadur Mr. Ashiq Husain Mirza : May I point out, Sir, that there is no quorum.

Hon'ble the President : The honourable member can proceed only when there is quorum.

The division bells were rung and several more members entered the Council chamber.

Hon'ble the President : There is quorum now. The honourable member can proceed.

Babu Jai Narayan Chaudhri : I was referring to a Government order which was originally concerned with the endowments in Madras. That holds good for the endowments here as well. The Government order is dated May 26, 1894. It says: "The Board entirely concur with the Government pleader as to the present insecurity of religious and charitable endowments and as to the extent of misappropriation going on silently because it is no one's business to move the courts and because the ears of the executive are closed to all complaints. It is beyond the possibility of doubt that if Hindu religious endowments are to be protected from wholesale misappropriation, even in many cases

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ultimate extinction, for the benefit of a class of people who make the worst possible use of the money, wasting it in profligate expenditure, the existing law must be altered." This clearly shows the effect of the law regarding the control of endowments.

To frame the Bill it is necessary that the committee which may be constituted should be of a representative character. By the phrase "representative character" I mean that the committee should consist of gentlemen belonging to different faiths in the Hindu religion so that they may be able to advise as to what is required by institutions of one faith and what is required by institutions of another.

Sir, the fact that the elections are at hand might stand in the way of certain honourable members voting for this resolution, but they should not be afraid of persons who have got vested interest in such institutions. They should ask to themselves whether the resolution appeals to them or not and whether they want to provide for better governance of the charitable endowments or not. If they are in favour of the proposition embodied in the resolution, they should vote for it unhesitatingly; otherwise they may reject it. I may at the same time inform the House that this question has been agitating the public mind for some time, and those gentlemen who are conscious of their responsibility in the matter, are wholeheartedly in sympathy with the resolution. With these words I commend it to the acceptance of the Council.

Pandit Nanak Chand : I beg to move that for the words "draft a Bill to provide" the words "advise what effective steps should be taken" be substituted. The amended resolution will read as follows:—

"That this Council recommends to the Government to appoint a representative committee to advise what effective steps should be taken for better governance, administration, and supervision of Hindu religious and charitable endowments including those charitable funds with commercial firms to which the public customarily has to contribute."

It is a matter of common knowledge that our provinces have got within their area the largest number of Hindu places of pilgrimage. I think there is no other province in India which includes such a large number of Hindu Tiraths which have an all-India importance. Our province includes Tiraths like Hardwar, Badri Nath, Kedar Nath, Muttra, Bindraban, Ohitrakot, Prayag, Ajodhya, and Kashi and also some very important places possessing religious sanctity for those faiths also which are generally included among Hindus—I mean Sarnath for Buddhists and Hastinapur for Jains. Almost all these religious places have got religious endowments created by some charitably disposed persons and they are administered by various bodies or individuals. Besides charitable endowments at these places, there are other endowments which are scattered all over the province and which are of a more or less religious character. There is a general feeling that at least some, if not all, of these endowments, are not properly managed and large sums of money are either misappropriated or misapplied. There is a strong Hindu feeling on this point and Hindus who take interest in these endowments feel that there is an urgent and pressing necessity for devising some means by which the funds of these endowments may be properly used for the objects for which these endowments were created. At the same time there is a feeling that there should not be undue

interference on behalf of the Government or on behalf of faiths which are not akin to the faith for which the endowment was meant. For example, there may be very serious objection to Samajists interfering in the management of endowments maintained for the benefit of Sanatanists or created from the point of view of Sanatanists. Similarly, the Jains would not like any interference in their endowments either by any other section of Hindus or by any other organization created for the purpose unless created by themselves. I think this is not a difficulty which cannot be surmounted. It should be possible to so devise the means that every faith may be free to manage and control its own endowments. Before the Act of 1863 was passed the Government had in their hands the management of some religious endowments. But on account of their having decided to adopt the policy of religious neutrality, they passed the Act, whereby they surrendered the control of even those religious endowments which they had taken in their hands, and created committees of management under the Act. These committees, as has been pointed out by my friend Babu Jai Narayan Chaudhri Sahib, have either failed to work or have ceased to work, and we are not in a position to know whether there are any committees now in existence. I may, however, be permitted to point out that the number of such endowments, the management of which the Government had in their own hands before the passing of the Act of 1863 and the management of which came into the hands of the committees mentioned above after the Act was passed, was very small indeed. I hope I am right when I say that the number of religious endowments is very large in these provinces. It was felt that provisions of the Act of 1863 were exceedingly unsatisfactory for the control and supervision of those endowments, and it was in view of this unsatisfactory state of things that it was considered necessary to pass the Muslim Waqf Act to protect the interests of the waqfs created by Muslim gentlemen. In 1920, an other Act was passed by the Government of India and that too has been found unsatisfactory in its working. There has of recent years been a considerable demand from all sides in two provinces resulting in the passage of Hindu Religious Endowments Act in Madras and of Gurudwara Act in the Punjab. Even in this province, the Government appointed a Rule 13 Committee before the Reforms were introduced; that committee held one or two sittings. Then the question was ultimately left to be solved by the reformed Council. This question has been pending, and I think we have now had sufficient time to come to some decision on this matter. I had thought of bringing forward a non-official Bill on this subject, but when I thought of the difficulties of the problem, I felt that I would be taking a very risky step if I drafted a Bill from my individual point of view and brought it before this honourable House. I thought that, however carefully I might try to draft it, it will be open to objection from various points of view, and therefore I considered that it would be but fair and reasonable to find out a way by which it would be possible to ascertain the views of, not only the members of this House, but also of the Hindu public outside this Council and to devise means to find out a solution which will be acceptable to the general Hindu public. I thought that the resolution before the House will achieve this object, but I have been given to understand that this resolution which has been moved by my friend Babu Jai Narayan Chaudhri will present some difficulty to Government if it is adopted in its present form and the Government are required to appoint a committee for drafting a Bill. Our first aim is to

[Pandit Nanak Chand.]

find out the lines on which some effective steps could be taken to supervise and control these trusts. It is apprehended that if a committee is appointed to draft a Bill, they might get themselves involved into the details of that Bill and they may not be able to come to any decision; and that it is possible that if a committee is appointed to advise the Government to take effective steps, then it is possible that they would come to a more or less general understanding upon broad outlines of the steps that are necessary to be taken with a view to safeguarding the interest of the Hindu community in these trusts and also in the Dharmadaya funds with commercial firms. I hope that my Muhammadan friends will lend their support to this resolution and that Government will help us by appointing a representative committee. I trust that the Hon'ble Minister who is in charge of this department and who is himself very keen on this point, will not find any difficulty in accepting the resolution, at least in its amended form.

Mr. Muhammad Aslam Saifi : I extend my hearty support to the resolution which has been so ably moved by my honourable friend Babu Jai Narayan Chaudhri, but I do so, Sir, for two reasons. The first is the merits of the case and the second is that I and my community owe a debt of gratitude to our Hindu friends for having supported the demand of the Muslim community for the application of the Muhammadan Waqf Act when a resolution demanding that was moved on the floor of this House. It is a very old story. The House is not unfamiliar with it, because the conditions which prevailed with regard to the mismanagement of the Muhammadan waqfs are practically on a par with what my learned friend the mover of the resolution has detailed today. I believe in the original instance, it is, the Government which is responsible for most of the wastage that has taken place in the waqf property, because up till 1863 the Government used to manage these properties themselves. There were important and vast waqfs created in the Moghal period and whether they belonged to the Muhammadaus or to the Hindus, they were directly managed by the Government. So long as they remained in the management of the Government, they were utilized for the purpose for which they were created, but when the Government took a different line, that is to say, they wanted to absolve themselves entirely from any responsibility towards these religious institutions, they were handed over to the mutawallis on the one hand and to the mahants or whoever was interested in the Hindu religious and charitable endowed properties on the other. The result has been that since then a series of most prominent Indian public men have tried to reform this state of affairs. I may mention the name of Sir Rash Behari Ghose, who himself was responsible for drafting a Bill for the better management and protection of the endowed properties. There was a Bill drafted by Sir Ibrahim Rahimtoolah, the President of the Bombay Legislative Council, by the late Sir Shams-ul-Huda and finally there was the draft Bill that was presented to the Legislative Assembly known as the Muhammadan Waqf Bill by Maulvi Abul Kasim. The efforts and perseverance of non-official public men and the apathy and indifference of the Government to help to improve the conditions of these properties are amazing indeed. I need not enter into any details with regard to special requirements of the Hindu endowments. They have perhaps different problems of their own. Therefore, if I were to go into any

details, perhaps I may not be able to put any valuable suggestions before the House.

I therefore, content myself by once more giving my unstinted support to the resolution. My honourable friend Pandit Nanak Chand has moved an amendment the effect of which would be that the committee which the honourable mover of the resolution desires to be appointed will only advise the Government as to the steps that might be taken. Well, Sir, I think that the best course would be that the committee that might be appointed should undertake the drafting of the Bill itself. If I am excused, I will cite the example of the committee which was appointed to draft the Agra Tenancy Bill. There is no reason why this committee, which will consist of Hindu members of this House and perhaps of Hindu gentlemen from outside the Council who are thoroughly acquainted with all the requirements of the case, may not be able to draft a Bill and present it to the Hon'ble Minister in charge of the department who in his turn may present it to this House. With these words I give my full support to the resolution that is now before the Council.

Several members rose to speak.

Hon'ble the President : May I point out that our ever-vigilant friend Mr. Ashiq Husain Mirza is here, and that he may get up at any time to draw my attention to the want of a quorum. So if the resolutions are to be saved from being guillotined, honourable members should hurry up.

Hon'ble Rai Rajeshwar Bali : I think I should now state my own position in regard to this resolution. The resolution as amended by my honourable friend Pandit Nanak Chand has my hearty support and I accept it. I quite realize that a number of these endowments which were created for certain religious or charitable purposes are being seriously mismanaged, and I feel the need of some sort of better provision for their supervision and governance more keenly than many others. This is indeed indicative of the sign of the times that a resolution of this sort should have been brought in this House by a Sanatanist Hindu, supported by a Sanatanist Pandit and asked to be accepted by another Sanatanist Minister, but that shows that the evils to remove which the resolution is intended are of such character that action is imperative. Sir, I know that there is a section of people among the Hindus who wish to do away entirely with these endowments and who wish that the money that was lavishly spent on these endowments should be spent for a better purpose, but there are others also, who are as orthodox Hindus as any one could be, and who believe that even if we do not do away with these endowments, we should at least try to see that the purpose for which these endowments were created should be served. I know by personal experience of a number of temples myself where the purposes for which those endowments were created are not carried out, and as a Sanatanist Hindu I would like to see that the money is properly spent on *seva*, *ragbhag* and other purposes for which the creators of these endowments intended the money to be spent. I agree with my friend Pandit Nanak Chaud that it would be much better that, instead of the committee being asked to draft the Bill, it should recommend the first principles on which the Bill should be based. However, as we are all aware, it is a highly controversial matter, and it would be much better and would expedite matters if we first determine the principles on which we are to proceed, and then publish those

[Hon'ble Rai Rajeshwar Bali.]

principles for general criticism. After criticisms have been received, the drafting of the Bill would be a very simple and easy matter.

I am also aware of the fact that it would be impossible to give effect to any of those measures within the lifetime of this Council, for the committee is bound to take some time before it can formulate its proposals and in a matter like this no one of us would like to proceed without a proper expression of opinion by those whom these measures are going to affect. Therefore, while some may be doubtful about the utility of this Bill, I think it would serve our purpose if during the lifetime of this Council public attention has been focussed on this question and the first principles have been settled. In the next Council, if the honourable members or the Minister in charge feel interested in the subject, it can be pursued on in the shape of legislation, but our immediate purpose would be served if a committee has been appointed and has suggested to us the lines on which the reform should take place.

In fact as early as November of last year this question was brought prominently to the notice of the Government, and I had asked His Excellency the Governor to allow me to take some steps for this purpose but on account of the stress and strife, if I may say so, of the last two or three months, we could not get time to proceed any further in this matter.

I am a confirmed believer in the law of Karma and I think that no sound social system can be founded without due regard to this law of nature. Unless people who receive benefits from the public are willing to pay them back in the shape of the service or in any other shape, nemesis is bound to overtake them, and this applies equally to all classes of people, no matter whether the people affected are the *pandas* of *tiraths* or the *pujaris* of temples or, if I may say so, the absentee landlords.

Babu Jai Narayan Chaudhri : I am very thankful to the Hon'ble Minister for accepting this resolution, although in a modified form. In the circumstances shown by my friend Pandit Nanak Chaud and the Hon'ble Minister I shall have no objection in accepting the amendment proposed by Pandit Nanak Chaud, but at the same time I would request the Hon'ble Minister to take early steps in the matter of appointing a committee as soon as possible because the matter is of such importance and gravity. In the appointment of the committee I would further request that it should not be limited to the members of this Council alone, but that it should have some persons from outside too representing different faiths and different calls of religion.

Hon'ble the President : The proposition moved before the House was that this Council recommends to the Government to appoint a representative committee to draft a Bill to provide for better governance, administration, and supervision of Hindu religious and charitable endowments, including those charitable funds with commercial firms to which the public customarily has to contribute, since when an amendment has been proposed that for the words "draft a Bill to provide" the words "advise what effective steps should be taken" be substituted.

The question is that this amendment be made.

The amendment was adopted.

Hon'ble the President: The amended resolution before the House is—

“That this Council recommends to the Government to appoint a representative committee to advise what effective steps should be taken for better governance, administration, and supervision of Hindu religious and charitable endowments, including those charitable funds with commercial firms to which the public customarily has to contribute.”

The resolution as amended was adopted.

RESOLUTION *re* UNIVERSITY AND INTERMEDIATE EXAMINATIONS.

Rai Bahadur Lala Matura Prasad Mehrotra: I beg to move that—

“This Council recommends to the Government—

- (a) to ask the Universities of Allahabad and Lucknow to introduce compartmental examinations for the unsuccessful candidates after three months of the publication of the results in the gazette, and
- (b) to revise the educational rules, if necessary, requiring the principals and masters of intermediate colleges and high schools to hold a supplementary examination for unsuccessful candidates at the commencement of every session and to promote them if they secure 40 per cent. marks in the subject in which they were unsuccessful.”

The resolution as it stands is very simple and straightforward. The principles that I have embodied in the resolution are no new principles. I want only to make certain changes in the existing rules. These rules are not peculiar to the universities of our own province, but they are also found in the universities of other provinces. In the Allahabad University we have compartmental examination in this way that an unsuccessful candidate can sit in a particular subject in which he has failed if he has secured a certain percentage of marks at the annual examination. The change that I wish to introduce is that failed candidates should be eligible to sit after three months instead of waiting for the full year. Sir, the period of one year is given for the preparation of all the subjects and when a student has to prepare one or two subjects only in which he could not get through on account of not getting a certain percentage of marks, I think three months is a sufficient time. So, Sir, the principle that is embodied in my resolution as regards the Allahabad and Lucknow Universities is not a new one. I simply require a slight change. The wording of my resolution shows that we are going only to advise the universities. We know, Sir, the universities are autonomous and it is not the function of the Legislative Council to pass a certain thing, to thrust upon them certain things, whether they are acceptable or not to them, but certainly the Legislative Council, which has passed Acts for those universities, has every right to advise them on certain matters. If my resolution is accepted I think it will be sent to the universities with the recommendations of the Hon'ble Minister of course, and it will be discussed there threadbare. Then, Sir, it will be their business whether they accept it or not. What I want for the Intermediate Colleges and Schools is to make regulations, if necessary. It is the business of this Council to make such rules for them, and therefore I have asked in my resolution to make changes in the Educational Code, if necessary. Sir, there are many difficulties in the way of students nowadays for acquiring higher education. The cost of education is growing day after day, and it can be ascertained from the hearts of the middle classes who educate their sons, who send their sons to the universities, what they have to bear, how they have to

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

cut off from their earnings. Sir, the University of Allahabad has already extended this privilege and I want a little more facility. Then the courses of the universities are very difficult, as has several times been brought before the Council. Some of the books recommended for the courses do want cramming knowledge, and if a poor student cannot cram them up to the level that the university's examiners demand, I think it is but fair to give him another chance. Then, Sir, the question of unemployment is a question of the day and if a student who is unsuccessful in one or two subjects wants to engage himself in certain offices, he will have no chance, when qualified persons are roaming about here and there. So, Sir, he cannot afford to wait for one year in this way also. Then, there comes the question of the age-limit for Government service. We all know that the limit of age for Government service is 24, and if a student is unsuccessful once or twice that door is shut for him. Then, Sir, there is another important question for unsuccessful candidates, and it is this, that if he is allowed to sit in that particular subject in which he could not pass the university examination after three months and is successful after obtaining the pass percentage of marks prescribed by the university he can attend the next higher class and make up the percentage also.

Now, Sir, I will turn to the question of the schools. In schools too, Sir, it is very easy and at the same time very important. There are some schools where the head masters on their own authority, I believe, or with the sanction of the Inspector, I do not know for certain, hold certain supplementary examinations at the opening of the school; but what I want is only that all such head masters and principals of intermediate colleges should hold these examinations regularly. So Sir, there also I do not enunciate any new principle, but I only want that a practice, a convention that is found in some places should be translated into rules, should be codified. Now, Sir, I will take up two or three objections that can be anticipated on the opposing of this resolution. The first and foremost objection that can be brought against this simple proposition is the lowering of the standard. I say that it is quite wrong to consider anything like that. The lowering of the standard has absolutely no connexion with the holding of compartmental examinations after three months. I myself have recommended in my resolution that the unsuccessful candidates appearing in such compartmental examinations, should secure 40 per cent. marks instead of the 33 per cent. that is the usual pass mark. So, Sir, . . .

Dr. Ganesh Prasad: May I point out, Sir, that there is no quorum?

Hon'ble the President: It is unfortunate that the honourable member's speech should again have that effect.

The division bells were again rung, but the quorum was not completed.

Hon'ble the President: As there is no quorum, the business cannot proceed. The Council will adjourn until tomorrow.

**LEGISLATIVE COUNCIL,
UNITED PROVINCES OF AGRA AND OUDH.**

Thursday, April 1, 1926.

THE Council met in the Council Chamber, Lucknow, at 11 a.m.,
Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT :

(51)

Hon'ble Sir Samuel O'Donnell.
Hon'ble Lieut. Nawab Muhammad Ahmad
Sa'id Khan.
Hon'ble Rai Rajeshwar Bali.
Hon'ble Thakur Rajendra Singh.
Hon'ble Nawab Muhammad Yusuf.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. P. H. Tillard.
Mr. H. A. Lane.
Mr. B. L. Yorke.
Mr. R. Burn.
Mr. A. W. Pim.
Mr. B. J. K. Hollowes.
Mr. C. M. King.
Mr. H. G. Billson.
Mr. R. J. S. Dodd.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Raja Muhammad E'jaz Rasul Khan.
Raja Bahadur Brij Narayan Rai.
Mr. H. David.
Babu Khem Chand.
2nd-Lieut. Chaudhri Balwant Singh.
Rai Sahib Lala Jagdish Prasad.

Pandit Nanak Chand.
Rai Bahadur Babu Ram Nath Bhargava.
Pandit Brijnandan Prasad Misra.
Lieut. Raja Durga Narayan Singh.
Raja Narayan Pratap Singh.
Raja Sri Krishna Dutt Dube.
Rai Sahib Babu Dip Narayan Roy.
Rai Bahadur Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.
Rai Bahadur Thakur Mashal Singh.
Mr. Muhammad Aslam Saifi.
Rao Sahib Abdul Hameed Khan.
Khan Bahadur Chaudhri Amir Hasan
Khan.
Mr. Muhammad Ismail Ali Khan.
Maulvi Muhammad Obaid-ur-Rahman
Khan.
Saiyid Muhammad Ashiq Husain.
Khan Bahadur Hakim Mahbub Ali Khan.
Khan Bahadur Mr. Ashiq Husain Mirza.
Khan Bahadur Munshi Siddiq Ahmad.
Khan Bahadur Chaudhri Muhammad
Rashid-ud-din Asrafi.
Mr. St George H. S. Jackson.
Rai Bahadur Lala Mathura Prasad
Mehrotra.
Lieut. Raja Shaikh Imtiaz Ali Khan.
Dr. Ganesh Prasad.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

ELECTORAL ROLLS AND ELECTIONS OF BANDA MUNICIPALITY.

*1. **Thakur Har Prasad Singh:** Will the Government be pleased to supply the following information :—

- (a) Who were the members in charge of framing the Muslim and non-Muslim electoral rolls respectively of Banda municipality?
- (b) What is the Hindu population of Banda municipality?
- (c) What is the Muhammadan population of Banda municipality?
- (d) What is the number of Kayasthas in Banda municipality?
- (e) How many non-Muslim and how many Muslim voters were enrolled by the members in charge of framing the electoral rolls?

* 2. (a) How many claims were filed before the revising authority by the residents of Banda for their names being entered in the electoral rolls?

(b) How many objections were filed for the removal of the names of electors?

(c) Is it a fact that the revising authority fixed no particular date for the disposal of any particular claim or objection, but asked all the objectors and claimants to remain present from October 26 to 31?

(d) Is it a fact that the members who framed the electoral rolls of the municipality sought re-election in the municipality?

(e) Is it a fact that the members who prepared electoral rolls were allowed to oppose all the claims and objections before the revising authority and the district magistrate?

(f) Is it a fact that the revising authority sent for some records from the civil court at the instance of the said members?

(g) Is it a fact that the revising authority refused to act upon the certificate of the civil surgeon about age unless the civil surgeon appeared before him as a witness?

(h) Is it a fact that the claimants summoned the civil surgeon at a great cost and still his evidence was rejected?

(i) How many claims were allowed by the revising authority?

(j) Did the public of Banda send any telegram and deputation to the commissioner complaining against the conduct of the revising authority? If so, what action was taken by him?

(k) Is it a fact that Pandit Gaya Prasad, who is now a junior vice-chairman of the municipality, was enfranchised on the application of his father to the effect that his son be entered as a voter in his place?

(l) Is it a fact that Lala Kalu Ram, an ex-member of the municipality, was not enfranchised, though his father applied for the substitution of his son's name in his place?

(m) How many persons moved the district magistrate of Banda for the enrolment of their names in the electoral roll?

(n) Is it a fact that the district magistrate refused to take oral evidence as to the eligibility of the persons for being enrolled as voters?

(o) How many persons were enfranchised by the district magistrate?

*3. What was the percentage of Kayastha voters in the voters' list of Banda municipality?

*4. Is it a fact that percentage of the population which was enfranchised in Banda municipality is the lowest in the whole province?

*5. How many defaulters are entered as voters in the electoral rolls of the municipality?

*6. How many tax-payers who were not defaulters were excluded from the voters' list of the municipality of Banda?

*7. (a) Who was the returning officer of non-Muslim elections of the municipality of Banda?

(b) How many voters were not allowed to vote by the returning officer, and on what grounds?

(c) Is it a fact that municipal employees dictated their votes to the returning officer though they were literate? If so, why did they do so?

*8. Is it a fact that the ballot papers used in the Banda municipal elections did not bear any official mark?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made; information is not yet available.

PLAGUE.

*9. **Mr. H. David:** What preventive measures have been adopted within the last two years for checking the re-rudescence or increase of plague in these provinces?

Hon'ble Rai Rajeshwar Bali: An account of the measures adopted against plague is laid on the table.

(See Appendix A, page 54.)

*10. **Mr. H. David:** Has the campaign against rats been given up, and, if so, since when and for what reasons?

Hon'ble Rai Rajeshwar Bali: The general campaign against rats was given up in March, 1922. Rats breed so rapidly that the measures possible with the funds available could not produce any permanent decrease in the number of rats. Local efforts to destroy rats when an outbreak of plague threatens are still made where local conditions are favourable to an attempt to reduce the number of rats for the time being.

MUKHTARSHIP EXAMINATION.

*11. **Mr. H. David:** Has the Government come to any decision on the question of discontinuing mukhtars' examination?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: The examination for mukhtars is to be discontinued, but I have since the printing of this answer received information that the High Court has already abolished it.

TOWN AREA LAR, GORAKHPUR.

*12. **Bhaya Hanumat Prasad Singh**: Will the Government be pleased to give the following information:—

- (1) What is the population of the town area Lar in Gorakhpur district?
- (2) What is the number of Hindus and Muhammadans respectively in that town area?
- (3) How many members are there in the town panchayat?
- (4) What is the number of Muhammadan members?
- (5) Was there any quarrel over the last election of the town area Lar?
- (6) Was the matter referred to the district magistrate of Gorakhpur?
- (7) If so, what action was taken?

Hon'ble Nawab Muhammad Yusuf: (1) 4,865.

(2) Hindus 2,368 and Muhammadans 2,497.

(3) Five.

(4) Four.

(5) There was a petty dispute.

(6) Yes.

(7) The petition was ultimately withdrawn and no action was taken.

POLITICAL PRISONER, THAKUR AHBARAN SINGH.

*13. **Thakur Sadho Singh**: (a) What is the present condition of the health of Thakur Ahbaran Singh, the political prisoner in Agra central jail?

(b) How far has he regained the considerable loss of weight suffered by him since it was reported to the Council last time in December, 1925?

(c) Is it a fact that the term of his principal sentence of two years' imprisonment expired in December last?

(d) Is it a fact that he is undergoing imprisonment of additional six months in default of payment of fine of one hundred rupees?

(e) How many times was attachment made of his property and how much has been recovered yet?

(f) Is it intended to remit the fine and order his release now?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: Information is not yet available.

SALE OF ANCESTRAL ZAMINDARI.

14. **Thakur Sadho Singh: (a) Is any special consideration shown to the interests of owners of ancestral zamindari when decrees for sale of their property are transferred to collectors for execution?

(b) Is any discretion exercised to sell their villages of residence or for cultivation only after the decree has remained unsatisfied from the sale of other portions of the mortgaged property?

(c) Why is this discretion not exercised in cases when the decree-holder does not exercise any discretion of his own to the contrary, or when a number of shares are put to auction simultaneously ?

(d) Is it intended to inquire if such practice has operated seriously against legitimate interests of the judgment-debtors concerned ?

(e) Is it intended to inquire and take suitable interests therein ?

Hon'ble Sir Samuel O'Donnell : (a) One or other of the expedients allowed by the third schedule of the Civil Procedure Code is adopted, when there is any hope of saving part of the property thereby.

(b) Yes.

(c), (d) and (e) do not arise.

NOMINATIONS TO DISTRICT BOARDS.

* 15. **Thakur Sadho Singh :** (a) How many nominees of the Government to district boards are selected from cities, and on what principle ? What interests do they represent ?

(b) Have these nominees been instructed to keep in touch with rural areas sufficiently ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made ; information is not yet available.

PAY OF DISTRICT BOARD STAFF OF SHAHJAHANPUR AND OTHER DISTRICTS OF THE ROHILKHAND DIVISION.

* 16. **Thakur Sadho Singh :** (a) What lump increases in the pay of individuals serving in the headquarters staff of the district board of Shahjahanpur were effected during the last three years and for what reasons ? What other increments were allowed to each of the other members of the staff ?

(b) What increase of pay was allowed to each member of the headquarters staff in other districts of Rohilkhand during the last three years, and on what principle or for what reasons ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made ; information is not yet available.

MUHAMMAD ISA, HONORARY MAGISTRATE, ALLAHABAD.

* 17. **Babu Parsidh Narayan Anad :** Will the Government be pleased to state whether Muhammad Isa has been appointed an honorary magistrate only for the rural area in the Allahabad district ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Khan Sahib Muhammad Isa has been appointed an honorary magistrate for police circle Pura Mufti and a portion of police circle Khukraj.

* 18. **Babu Parsidh Narayan Anad :** Is it a fact that he holds his courts at Niawan and Allahabad city which are outside his jurisdiction ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : He used to hold his court at both these places. He now holds it only in the Sadr kutcherry, which is outside his jurisdiction.

* 19. **Babu Parsidh Narayan Anad** : Is it a fact that Government have in their notification fixed Salabpur as his place of sitting ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : No.

* 20. **Babu Parsidh Narayan Anad** : Is there any standing Government order against honorary magistrates holding courts outside their jurisdiction ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : No.

* 21. * **Babu Parsidh Narayan Anad** : Have any petitions been received by the collector protesting against this practice ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The collector received one such petition.

* 22. **Babu Parsidh Narayan Anad** : What action, if any, has he taken in regard to them ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : He ordered the honorary magistrate to hold his court for future at the Sadr kutcherry.

* 23. **Babu Parsidh Narayan Anad** : If no action has been taken by the collector so far, does Government now propose to take any action ? If so, what ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Government do not propose to take any action in the matter. The reason for the orders of the district magistrate was the convenience of litigants, who save a great deal in pleaders' fees by cases being tried at Sadr.

* 24. **Babu Prasadh Narayan Anad** : Will the Government be pleased to state the educational qualifications of this gentleman and also say what knowledge of law he possesses ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : He has a good knowledge of Urdu and Persian and has been an honorary magistrate since January, 1917.

JATS EMPLOYED AS CLERKS IN CIVIL COURTS.

* 25. **Chaudhri Jaswant Singh** : Will the Government be pleased to state the number of Jats employed as clerks in civil courts in the United Provinces ? What are their names and the places at which they serve ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Thirteen, of whom seven are at Meerut, two each at Agia and Bulandshahr, and one each at Aligarh and Saharapur. Government can see no useful purpose which would be served by giving their names.

MUNSARIMS.

* 26. **Chaudhri Jaswant Singh** : Are there any munsarims in any judge's courts whose length of service is more than 30 years and whose ages are above 55 years ? If so, how many ?

Will the Government be pleased to state why such munsarims are not being retired on pension so as to give a chance to their juniors to fill up their places ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Three, of whom one is on leave preparatory to retirement.

(b) The honourable member is referred to Fundamental Rule 56(b). The interests of Government must be considered before acceleration of

promotion and it is obviously undesirable to force into retirement a Government servant who is fit for further work and whose value increases with the length of his service.

* 27. **Chaudhri Jaswant Singh** : Will the Government be pleased to state whether munsarims can be transferred from one judgeship to another? If so, what is the percentage of transfers made annually?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Such transfers can be made by mutual arrangement. They are so rare that they cannot be shown on a percentage basis.

SUBORDINATE JUDGE'S COURT, BALLIA.

* 28. **Rai Sahib Babu Dip Narayan Roy** : Will the Government be pleased to state whether it contemplates the establishment of a permanent subordinate judge's court in Ballia? If so, when? If not, how long will the present temporary subordinate judge's court in Ballia exist?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) No.

(b) Does not arise.

(c) So long as there is sufficient work to justify his retention.

CERTAIN APPOINTMENTS IN DISTRICT JUDGE'S COURT, FYZABAD.

* 29. **Babu Mohan Lal Saksena** : (a) With reference to the answer to question No. 68 of December 18, 1925, will the Government be pleased to state if the district judge has discretionary powers in the matter of appointments in vernacular offices as in the case of appointments to English offices?

(b) If the answer to the above be in the affirmative, will the Government be pleased to explain why a proviso similar to that of note 2 in rule 332 of the Manual of Government Orders is not added to rule 335? If, however the answer to (a) be in the negative, will the Government be pleased to state if the appointments of Messrs. Iqbal Husain and Mangalji Jawahar in the district judge's office, Fyzabad, as ahlad and paid apprentice are in accordance with the provisions of rule 335 of the Manual of Government Orders? Have they passed any examination mentioned in the aforesaid rule?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Yes.

(b) The district judge's discretionary power is derived from statute and not from foot-notes, and the omission of the foot-note to paragraph 335, Manual of Government Orders, does not affect it. The second part of the question does not arise.

* 30. **Babu Mohan Lal Saksena** : Will the Government be pleased to state if the appointment of Messrs. Mangalji Jawahar and Shafa'at Husain as paid apprentices in the district judge's court, Fyzabad, were in accordance with the principle No. 1 governing the recruitment of paid apprentices as stated in reply to question No. 61 of December 18, 1925, and the Government orders on the subject?

If the answer to the above be in the negative, will the Government explain the reasons.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) No.

(b) Because the district judge, in the exercise of his discretion, considered them the best available men to the non-pensionable posts for

which they were selected. The answer to starred question No. 61 of December 18, 1925 laid down principles by which district judges are normally guided, not rules which they are bound without exception to obey.

* 31. **Babu Mohan Lal Saksena**: Will the Government be pleased to lay on the table a statement of vacancies in the various judgeships in Oudh which have been filled by appointment of hands from other judgeships and the reasons for such appointments?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: The only cases during the last two years are as follows:—

- (1) The post of reader, district judge's court, Hardoi, was filled by the transfer of a record-keeper, district judge's court, Gonda, as no suitable clerk was available in the Hardoi judgeship to fill a vacancy caused by death.
- (2) An assistant record-keeper of the Fyzabad judgeship, who had resigned, was appointed decree-writer in the Rae Bareilly judgeship, as the district judge was of opinion that there were no competent men in his office for this post.

RECOMMENDATION OF THE JAILS COMMITTEE.

* 32. **Babu Mohan Lal Saksena**: Will the Government be pleased to lay on the table a statement showing the action taken by the respective jails in these provinces on the recommendations contained in the following paragraphs of the Jails Committee report:—

243, 269, 276, 279, 281, 282, 289, 290, 292, 295, 453 and 465 ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: A statement is laid on the table showing the orders issued by Government on the recommendations contained in these paragraphs. Government presume that their orders have been carried out by the superintendents of the various jails.

(See Appendix B, page 55.)

ACQUISITION OF LAND FOR CANALS IN UNAO.

* 33. **Babu Bhagwati Sahai Bedar**: Will the Government be pleased to state the total area of land acquired for the canals in the Unao district under the Land Acquisition Act?

Hon'ble Sir Samuel O'Donnell: The approximate total area acquired is 1,000 acres.

* 34. **Babu Bhagwati Sahai Bedar**: Is it a fact that some land having standing crops has been acquired by the Canal department in the Unao district under the Land Acquisition Act?

If so, will the Government be pleased to state the area, the approximate estimate of the yield of these crops and the compensation given in each case and the agency through which this compensation was distributed? Did the land acquisition officer refuse to distribute the compensation?

Hon'ble Sir Samuel O'Donnell: 1. Yes. The area of the standing crops was 1,267 acres, of which 165 acres were under "arhar" and the remainder *rabi* which had germinated.

2. The compensation given in each case was arrived at by mutual agreement and based on the yield of the crops. Wherever cultivators' written consent and agreement could not be secured, standing crops were left untouched.

3. Compensation was distributed through the agency of the canal deputy magistrate and sub-divisional officer as the work was urgent and this method most expeditious; the land acquisition officer was at the time otherwise employed on urgent work elsewhere. He did not refuse to distribute the compensation.

4. A list giving the compensation paid and the approximate estimate of the yield of the crops in each case is being obtained and will be furnished at a later date if still required.

UNSTARRED QUESTIONS.

RECOMMENDATIONS OF THE INDIAN JAILS COMMITTEE.

1. **Babu Mohan Lal Saksena :** With reference to the answer to starred question No. 57 of December 15, 1925, will the Government be pleased to state if the recommendations of the Jails Committee stated to have been accepted and carried out in whole or in part have been circulated to the various jails in the province ?

If the answer to the above be in the affirmative, will the Government be pleased to state the date on which they had been issued ?

2. Will the Government be pleased to state if the aforesaid circular was sent to the superintendent, Lucknow jail ? If not, will the Government be pleased to explain the reasons for not doing so ?

Mr. R. L. Yorke : The statement to which the honourable member refers is merely an index prepared to show what action Government have taken or intend to take on the recommendations of the Jails Committee and is not in the form of instructions to superintendents of jails. It has therefore not been circulated to jails, and Government do not see any advantage to be gained by such circulation. On the other hand, where it is stated in that list that action has been taken, the meaning is that Government have issued orders which of course have been communicated to the jails. These orders were issued at different times and Government are not in a position to state the date of the issue of each order.

DIET AND CLOTHING AND COOKING UTENSILS IN JAILS.

3. **Babu Mohan Lal Saksena :** Will the Government be pleased to lay on the table a comparative statement showing the diet and clothing allowed to ordinary convicts in Bengal and the United Provinces jails ?

Mr. R. L. Yorke : The honourable member is referred to paragraphs 1052 and 1083 of the United Provinces Jail Manual, and to paragraphs 1049 to 1056 and 1115 of the rules for the superintendence and management of jails and subsidiary jails in Bengal.

4. **Babu Mohan Lal Saksena :** Will the Government be pleased to state the approximate amount of money that will be needed to replace the iron utensils for cooking *dal* in Lucknow district and central jails by brass vessels ?

Mr. R. L. Yorke : About six hundred rupees.

FINANCE AND PUBLIC ACCOUNTS COMMITTEES.

Hon'ble the President: I have to announce the constitution of the Finance Committee for the financial year 1926-27. It is as follows :—

Nominated members—

1. Hon'ble the Finance Member.
2. The Finance Secretary to Government.
3. Rai Bahadur Babu Ram Nath Bhargava.
4. Maulvi Muhammad Obaid-ur-Rahman Khan.

Elected members—

- Lieut. Nawab Jamshed Ali Khan.
 Mr. Muhammad Aslam Saifi.
 Pandit Nanak Chand.
 Rai Bahadur Thakur Mashal Singh.
 Rai Bahadur Lala Mathura Prasad Mehrotra.
 Rai Sahib Chaudhri Sheoraj Singh.
 Rao Sahib Abdul Hameed Khan.
 Rai Bahadur Thakur Hanuman Singh.

The constitution of the Public Accounts Committee for the financial year 1926-27 is :—

Nominated members—

- Hon'ble the Finance Member.
 Lala Babu Lal.
 Khan Bahadur Hafiz Hidayat Husain.
 Mr. H. C. Desanges.

Elected members—

- Babu Jai Narayan Chaudhri.
 Rai Sahib Babu Dip Narayan Roy.
 Babu Khem Chaud.
 Rao Sahib Kunwar Sardar Singh.
 Mr. Muhammad Ismail Ali Khan.
 Kunwar Surendra Pratap Sahi.
 Mr. H. David.
 Rai Sahib Munshi Amba Prasad.

SUPPLEMENTARY ESTIMATES.

(FIRST INSTALMENT.)

Demand No. 1.

HEAD 24—ADMINISTRATION OF JUSTICE.

Hon'ble Sir Samuel O'Donnell: I beg to report to the Council the recommendation of His Excellency the Governor that under head 24—Administration of justice the sum of Rs. 4,484 be provided and move that this sum be voted.

The demand was put and voted.

Demand No. 2.**HEAD 32—MEDICAL.**

Hon'ble Sir Samuel O'Donnell: I beg to report to the Council the recommendation of His Excellency the Governor that under head 32—Medical a sum of Rs. 1,58,985 be provided, and I move that this sum be voted.

Motion No. 1—Not moved.

Motion No. 2.

Mr. Muhammad Aslam Saifi: I beg to move that the demand of Rs. 50,000 concerning grants for an Ayurvedic and Unani State aided school be reduced by Rs. 10.

I have proposed this token reduction of Rs. 10 to secure a little information from the Government in this connexion. It appears, Sir, that the report submitted by the committee appointed to go into this question, that is, whether an institution is to be established by the Government with regard to the indigenous system of medicine or whether the Government would support financially an already established school, has been received by the Government, and it appears also, Sir, from a perusal of the note which has been attached to this item that the Government have decided to make a grant towards a school which is already established by way of financial assistance. I observe that in the first place it only says State school. Is there any such institution already in existence where both the systems are taught in the United Provinces? I know there is one in Delhi. There is one Ayurvedic college alongside the Benares University. There are two Tibya schools in Lucknow, but so far as I know they do not teach the other branch, namely the Ayurvedic. Then again out of Rs. 50,000 required for this purpose the recurring expense is only Rs. 20,000.

So, it is not clear to me as to how this amount will be utilized and on which schools it will be spent. That is the only information which I wish to have.

Maulvi Muhammad Obaid-ur-Rahman Khan: I also want to put three questions in connexion with the demand which is now before the House. I want to know whether the amount will be divided thus: half to the Ayurvedic college and half to the Unani institution. Secondly, I want to know how many such aided Ayurvedic and Unani schools exist in these provinces. Thirdly, I want to know whether Government want to improve those schools or whether they want to establish separate schools for the purpose.

Hon'ble Rai Rajeshwar Bali: My honourable friend Mr. Saifi wants to know whether there are any schools in these provinces which teach both the Ayurvedic and Unani systems of medicine. I think that is the information he wants to have.

Mr. Muhammad Aslam Saifi: The two systems together.

Hon'ble Rai Rajeshwar Bali: I am not aware of any such schools in these provinces; but the committee has recommended that we should aid an Ayurvedic college and a Unani college, and that we should also aid an Ayurvedic school and a Unani school. We have not yet been able to consider the question of aid to Ayurvedic and Unani colleges; but with

[Hon'ble Rai Rajeshwar Bali.]

regard to Ayurvedic and Unani schools, we are providing this money for giving aid to them. He wants to know why a grant of Rs. 20,000 recurring and Rs. 30,000 non-recurring is being given. We are going to give Rs. 10,000 recurring and Rs. 15,000 non-recurring as aid to an Ayurvedic school and a Unani school. I think that is all that the honourable member wants to know.

Mr. H. David : Has the report of the committee been published ?

Hon'ble the President : Is Mr. David putting a question ? If so, he had better stand up and put it.

Mr. H. David : I wish to know whether the report of the committee has been published; if not, whether we are to give our vote without knowing the contents of the report.

Hon'ble the President : Is the Hon'ble Minister prepared to answer that ?

Hon'ble Rai Rajeshwar Bali : Not yet published.

Mr. H. David : I understand that the report of the committee has not yet been published, and yet we are called upon to supply money for the projects.

Hon'ble the President : The honourable member seems to be making a speech and not putting a question.

Lient. Raja Durga Narayan Singh : With your permission, Sir, I want to know from the Hon'ble Minister what will be the share of the district boards both as regards recurring and non-recurring grant.

Hon'ble Rai Rajeshwar Bali : This has nothing to do with district boards. These are for teaching institutions.

Mr. Muhammad Aslam Saifi : I should like to know if the Hon'ble Minister is in a position to inform the House as to which institutions he has decided to make these grants.

Hon'ble Rai Rajeshwar Bali : The committee has recommended that the Rishikul College at Hardwar should be converted into an Ayurvedic school and that a school should be established either at Allahabad or at Agra for the Unani system. In the meanwhile we are considering whether we should not convert the King's Hospital here into a Unani institution. It all depends on whether the Aligarh University would agree to set up a Unani college. If they agree to set up a Unani college, then we shall help it and we shall have a Unani school at Lucknow. If the Aligarh University is not in a position to set it up, then we shall have a Unani college at King's Hospital and we shall try to set up a school either at Allahabad or at Agra, as has been proposed by the committee.

Maulvi Muhammad Obaid-ur-Rahman Khan : I think the Aligarh University is contemplating to set up a college.

Mr. Muhammad Aslam Saifi : I beg to withdraw the motion.

The motion was, by leave of the Council, withdrawn.

Motion No 3.

Rai Bahadur Lala Mathura Prasad Mehrotra : I beg to move that the demand of Rs. 20,000 for the promotion of indigenous systems of medicine be reduced by Rs. 100.

My object in moving this token reduction is to know how the indigenous medicines are to be prepared and who will supervise them. I am very glad to note that the Hon'ble Minister has been able to provide this year a decent sum for the indigenous systems of medicine for which we have been asking at least for the last two years.

Hon'ble the President : Does the honourable member ask about the preparation of drugs?

Rai Bahadur Lala Mathura Prasad Mehrotra : I only want to know how this money is going to be utilized and who is to supervise it.

Hon'ble Rai Rajeshwar Bali : We have been giving Rs. 30,000 yearly as grants to district boards and other institutions for the encouragement of Unani and Ayurvedic practitioners. Last year we provided Rs. 60,000. This year we provided as usual Rs. 30,000 in the budget and, as the committee recommended that Rs. 50,000 should be given, we have provided this Rs. 20,000 for distribution to district boards and for other institutions for encouraging Ayurvedic and Unani systems of medicine.

Rai Bahadur Lala Mathura Prasad Mehrotra : I withdraw the motion.

The motion was, by leave of the Council, withdrawn.

Motion No. 4.—Not moved.

Motion No. 5.

Mr. Muhammad Aslam Saifi : I beg to move that the demand of Rs. 20,000 for the promotion of indigenous systems of medicine be reduced by Rs. 10.

I want the Hon'ble Minister to inform the House what amount out of the Rs. 60,000 budgeted last year was spent up to the end of the last financial year. I am afraid that the whole of the amount was not spent, and one reason for this was that it was not brought pointedly to the notice of municipal and district boards. I have personal knowledge of one or two boards. There is one board, perhaps one of the most important boards in the United Provinces, and certain members of that board were not at all acquainted with the fact that any amount has been budgeted for this purpose. When the Government sets apart this money for this special purpose with the consent of the Council, I think it is its first duty to bring this fact to the notice of the boards concerned. The second point is that there are certain dispensaries in the United Provinces, well organized well equipped, which treat a vast number of patients freely, i.e., they supply free medicine. For example there are two dispensaries in Lucknow, viz, the dispensary attached to the Mamba-ul-Tib School and the Takmil-ul-Tib dispensary. There is one in Gorakhpur. It is a very regrettable fact that very little financial assistance is given to these institutions. For example, the Mamba-ul-Tib is a school for teaching the full course of Unani medicine. It has to meet great deal of expenditure but has very little income from public sources. The secretary of that institution at great sacrifice of his practice and various other scholarly engagements has been devoting all his time to this institution. It is only this year, I understand, that the Government has been pleased to give a paltry sum of Rs. 2,000 to this

[Mr. Muhammad Aslam Saifi.]

institution, and I suppose the grant that was given last year to the Takmil-ul-Tib has not been repeated this year. A similar complaint has been brought to my notice from the Gorakhpur district. I believe that a recurring grant is made to that institution, but as it is doing a great deal of good to the local people by giving them free medicines and also by having built a first class dispensary at a cost of Rs. 50,000, I think it is desirable that some further encouragement should be given to it. In the next place, I wish to enquire whether the Government intend placing the money at the disposal of district and municipal boards or whether they contemplate establishing good Unani *dawakhana*s in the various important localities. The reason why this system has fallen into disrepute is that people cannot obtain good medicines, either in the form of herbs or compounds, and the result is that they have always to remain at the mercy of the *attars*. If, therefore, the Unani medicine is not as efficacious as it ought to be, the reason is that special attention is not paid to the system of dispensing medicines by the Government. I hope the Hon'ble Minister will enlighten the House in the matter.

Pandit Nanak Chand : I wish to obtain certain information from the Hon'ble Minister. May I know why the whole amount of this small sum that was provided last year for the indigenous system of medicine was not spent in the year? Was it due to the fact that the Government required the local bodies to meet a portion of the cost or was it due to lack of information on the part of the local bodies? If the former was the case, will the Hon'ble Minister kindly let us know how he proposes to remove that defect? I know that a number of local bodies are financially in a very bad condition, and so they do not find it possible to take advantage of the scheme, however good it may be, if it involves fresh expenditure. I would therefore suggest to the Government the advisability of meeting the entire cost of expenditure through the agency of local bodies for the introduction of indigenous system of medicine.

Rai Bahadur Thakur Mashal Singh : So far as I know, the Government issued circular orders to all district boards about the establishment of dispensaries with a view to promote the indigenous system of medicine, and they agreed to bear half the cost of expenditure in this direction. Now, perhaps my honourable friend Mr. Saifi wants that independent institutions like the Takmil-ul-Tib, teaching the indigenous system of medicine, should be given help. If that is his intention, I beg to differ from him. In my opinion Government subsidy should be given only to those institutions which are under their control.

Mr. Muhammad Aslam Saifi : On a point of personal explanation. My suggestion was with regard to the dispensaries attached to the institutions, and I do not object to Government control at all.

Rai Bahadur Thakur Mashal Singh : My submission is that private dispensaries ought not to be subsidized by the Government. The proper course would be to open dispensaries under the supervision of district and municipal boards and to grant them aid when necessary. For this purpose I think this amount has been provided in the supplementary estimates. No doubt the amount is not adequate, because I think there are about 48 district boards and this amount of Rs. 20,000 or Rs. 50,000 cannot be considered sufficient for so many district boards.

even if half of them come forward to establish these dispensaries, the amount will be found to be insufficient. I think a larger allotment ought to have been made for this purpose.

Hon'ble Rai Rajeshwar Bali : I may first make it clear that there has been no money left out of the last year's grant which is responsible for much of the criticism. In fact if we had more, we would have spent that amount because we received more applications than we could meet. This clears up many of the points which have been raised by Mr. Saifi and Pandit Nanak Chand.

Pandit Nanak Chand : It does not clear up my point. I want to know whether the Government pays only a portion of the expenditure on indigenous system or whole of it.

Hon'ble Rai Rajeshwar Bali : We received applications from various district boards and other institutions where medicine is distributed on indigenous systems. After receiving applications and also the information about the number of patients we determined as to what amount should be given to each institution. The grant depends on the amount of work done and the money spent by the local bodies on these institutions. We have distributed the money at our disposal to about nine or ten private institutions and to more than a dozen municipal boards and district boards for this purpose. Whenever we find that there are district boards and municipal boards which take interest and spend large sums of money and also that the number of patients is large, we pay to the boards any sum which we think proper. I do not think that any local board suffered for want of information.

As regards private institutions, Takmil-ul-Tib and Moin-i-Tib, the grant to the former was repeated this year and the latter got Rs. 2,000 as just mentioned. The King George's dispensary at Gorakhpur got a grant, in fact a larger grant. Last year it got Rs. 3,700 and this year Rs. 5,000. We try to distribute this money as best we can among the various deserving institutions. It has been asked why we have put this sum of Rs. 50,000 in the budget. This is on account of the recommendation of the Committee, which says :—"Government should sanction a sum of Rs. 50,000 a year for distribution of grants-in-aid to indigenous institutions and dispensaries." As the result of that recommendation we have Rs. 50,000 this year—Rs. 30,000 were provided in the original budget and Rs. 20,000 in the supplementary estimates. I think this clears all the points that have been raised.

Mr. Muhammad Aslam Saifi : There is one point more. What about the establishment of *dawaikhana*s?

Hon'ble Rai Rajeshwar Bali : We are still considering the report of the committee. They have recommended that we should set up a board of Indian medicines. I cannot say what action will be taken on that, but when action is taken we shall certainly examine the whole question as regards *dawaikhana*s.

The motion was, by leave of the Council, withdrawn.

Motion No 6 —Not moved.

Motion. No 7.

Dr. Ganesh Prasad : I move that the demand of Rs. 16,000 for an X-ray apparatus and accessories be omitted. Sir, the ways of the Government are mysterious. Just a few days ago, on the 17th of March, the Hon'ble Finance Member and those who vote with him were absolutely

[Dr. Ganesh Prasad.]

impervious to our most humble and repeated requests for an increase in the grant to the universities of Benares and Aligarh. The great university of Aligarh has been given a grant of Rs. 10,000, but here today in connexion with the supplementary estimates a gentleman, who is an individual and is not an institution, but has a great advantage in being a limb of the bureaucracy, is going to be given a gift of Rs. 16,000, simply in order to carry on certain investigations which seem to me unknown and unimportant. I believe that that gentleman has not as yet obtained the degree of Doctor of Medicine from the Lucknow university and has not done any research work in the great medical college at Lucknow. I suppose that he is posted to Hathras, not a very great centre of medical research. My strongest argument, which I believe might find some kind of favourable reception at the hands of the Hon'ble Minister, is that in this very city of Lucknow we have a medical college and a university. That university is no university at all which does not create knowledge. If you have not facilities for investigations in medicine and surgery, your keeping the medical college and hospital going is practically, if I may say so, unreasonable. From the report of the Lucknow Medical College you will find that the gentleman who is in charge of Radiology has got a salary of Rs. 900 per mensem. He is a senior man for whom I have respect. But I have still to know what particular papers he has published on this subject. So far as other branches of knowledge are concerned, I can say that there are men in the Lucknow University who get smaller salaries, though they are engaged in investigations which have been published in many places.

Hon'ble the President : Who is this gentleman who has been brought under the honourable member's notice.

Dr. Ganesh Prasad : He is a reader in Radiology. I am innocent of any knowledge of surgery, but most probably Mr. Muir and Colonel Cochrane will not contradict me when I say that Radiology has something to do with X-rays. This gentleman, who is an expert in Radiology, has said that the want of a deep X-ray therapy plant is keenly felt, but such a plant could not be obtained for want of funds. That, of course, is from the latest annual report of the Lucknow university which has the imprimatur of the vice-chancellor and the various university bodies.

I have, Sir, in my pocket, because I have fortified myself with all sorts of documents; being not an expert in medicine, I thought I might be challenged at any moment; I have got here in my pocket a cutting from a very important newspaper from which you will find that Her Excellency Lady Reading has donated a certain sum for the purchase of an apparatus for deep X-ray therapy for use in the Calcutta Medical College. Therefore, the need for an apparatus of that type for use in the Lucknow University will be admitted by everyone. That university is more responsible for making investigations and carrying on research work than any individual. Apart from these considerations, it is very easy to make a particular individual do research work, to give him more facilities for research work, by simply sending him to a place where there are facilities for that kind of work. Supposing a particular individual wanted to do research work in mathematics and had only half a dozen books on mathematics, would it be wise on the part of my friend Kunwar

Jagdish Prasad and Mr. Mackenzie to offer him a sum of Rs. 25,000 for purchasing books and journals in all sorts of languages, so that, seated in Ballia or in Ghazipur, he might be able to carry on mathematical research? The best thing the Government could do for such a remarkable individual would be to send him to Calcutta to work under me. Therefore, although I know what our voting strength is, and that if the matter is pressed to a division my honourable friend the Minister in charge with the help of Kunwar Jagdish Prasad will be able to defeat us, I have stood here to speak as a university man. But by doing such things as starving universities and helping isolated individuals the Government is making itself odious, and I say this is one of the most minor charges I will bring against the Government before the Statutory Commission. This is all I have got to say. I believe the Government can help this gentleman by sending him from Hathras to Lucknow or to a nearer place, Agra.

Rai Bahadur Lala Mathura Prasad Mehrotra : I rise to support the motion of Dr. Ganesh Prasad. I cannot understand why Dr. Joshi has to be supplied with the X-ray apparatus costing the Government about Rs. 16,000. There are many places where research work can be carried on with facility. He can be safely transferred, or he can be given study leave or an allowance in the way of a scholarship so that he may be able to continue his research work for the period he wishes. But in an out-of-the-way place like Hathras I do not think it desirable to set up an X-ray apparatus. I think if the Government is going to supply X-ray apparatus to such private persons, others will come forward for other research facilities to utilize them at their own place. Therefore, it is better to transfer him to a place where facilities are better and available instead of supplying him with an apparatus.

Mr. Muhammad Aslam Saifi : My object in sending my motion was first to make inquiries as to the research work that the doctor has so far done in this direction, and secondly to put a suggestion before the Government that, instead of going in for such an expensive apparatus, costing Rs. 15,000, would it not be advisable and more practicable if the doctor was sent to a place where there was an apparatus which would suit his requirements?

I have no intention of going into the technique of the question as Dr. Ganesh Prasad has done, and I have not to find any fault with the mysterious ways of the Government, because so far as this matter is concerned it is an open mystery. In the first place the Finance Committee goes thoroughly into the question and then it comes before the Council, where it is open to every honourable member to criticize it. I would only submit to the Hon'ble Minister in charge of the department if he cannot manage this business more economically.

Maulvi Muhammad Obaid-ur-Rahman Khan : So far as the protest of Dr. Ganesh Prasad against allotting no sum even in the supplementary estimates to our universities is concerned, I associate myself with him and I certainly submit as emphatic a protest as I can. But so far as the gentleman Dr. Joshi is concerned, I want to tell the House that he is a man who deserves every encouragement at the hands of the Government and of the Council. He is a very capable man; he went to America at his own expenses and learnt there many modern things. A man of the eminence of Dr. Fletcher Robinson spoke to me in high terms

[Maulvi Muhammad Obaid-ur-Rahman Khan.]

about him. He said he was such a surgeon who could be entrusted with any serious operation. Even Colonel Cochrane told me the other day that he had great belief in his surgery. He is now a-days in Hathras. I think many of the members here are aware that Hathras is an important commercial place and to deprive Hathras of the services of Dr Joshi would not be reasonable. If he comes to Lucknow he would not be of such a benefit to Lucknow as he is to Hathras; because Lucknow has got many able surgeons like Colonel Hunter and others. I ask whether it is a justice to deprive Hathras of Dr Joshi, where he can do much more useful work if he is given an X-ray apparatus.

Therefore, I hope the Council will not grudge this sum and will sanction it, which I think will be spent in the most beneficent manner. With these few words I oppose the motion.

Colonel A. W. R. Cochrane: I may first of all disabuse the House of the idea that Radiology has anything to do at all with X-rays. They are two quite separate things. Now, Sir, Dr. Joshi is a member of the Provincial Medical Service and holds a Lahore qualification as Licentiate of Medicine and Surgery. At his own expense some years ago he went to America and stayed there for five years and worked under Mr. Mayo, in the leading clinic of America, during the last two years of which he was the Chief Assistant in abdominal surgery to Mr. Mayo. He returned to India about four years ago and told me about his courses of study and asked for a small place where he could make a centre in order to develop special work in abdominal surgery. The only place at the time was a small place in Gorakhpur district. Within two years there he achieved great success in his investigations. I went to see his work. I found his work wonderful. However, he felt that in a small place like that he could not raise locally as much money as he thought would be sufficient for his work. I also realized at that time that Dr. Joshi was working purely for the scientific advancement of the subject. I may remark here that specialists in abdominal surgery are not found in this country. Leaving Calcutta and Bombay aside I know of no specialist in abdominal surgery. Mr. Joshi has put his heart into the matter. He is the only Indian surgeon who has specialized in abdominal surgery up-country at least. If we encourage him, he will bring credit to India and to surgery. I asked him where I could post him for the advancement of his work, within the region of the service to which he belongs. He asked me whether I could arrange to post him to Hathras. I did so shortly afterwards and there Mr. Joshi has already achieved great renown. I have seen his operations and they are of a class which will be found nowhere besides Calcutta and Bombay. In order to develop special work on the kidney he requires a special X-ray apparatus. He has already provided himself from his own funds an X-ray apparatus. He has already spent about one lakh from his own pocket. I think it would be a great thing for India, and for our services in particular, if he is given assistance in making an advance in his investigations in the science of surgery, specially in the abdominal regions. He does not wish, and I also do not wish, to put him to work in a university college or even in the Agra school, because his work will be hampered by the large routine work there. He has selected Hathras for his work and he wishes to stay there.

He has been able to raise about Rs. 20,000 and if the Council deprives him of this X-ray apparatus, it will be doing a great harm to Indian surgery. Therefore I have no hesitation in asking the Council to vote this demand.

Hon'ble Bai Rajeshwar Bali: I think the misunderstanding that exists in the minds of certain honourable members of this House regarding this item is due to the fact that they are not aware of the qualities of Dr. Joshi. Dr. Joshi is one of the most exceptional men in our medical service, at least among the Indian doctors. He is one of those men who would not agree to be posted to a paying station merely for the sake of doing work or for love of work itself. He is a very honest and conscientious worker and is specializing in abdominal surgery. I think very few doctors here or for the matter of that in India have had the privilege of working in the Mayo clinic of America. I hear he served on the staff of that clinic for some time and has specialized in this work. We posted him, as has just been pointed out by the Inspector General of Civil Hospitals, to a small place in the Gorakhpur division, but we found that he could not get enough opportunities for the research at that place, so at his own request in order to encourage him in his work we posted him at Hathras. I think the question has been rightly asked as to why should we not post him at a more central place, as to why should we not post him at the Lucknow University or the Agra Medical School, where there are eminent doctors and where there are laboratories and facilities for research. The reason is that he is specializing in a subject which so far has received very little attention—at least in our provinces—and if he is asked to do the routine work also then that would hamper him in the specialized work which he is doing. Moreover, it has also to be remembered that in doing research work of this kind we have to appoint him at a place where he can get enough material to work upon. The third factor which obtains in his case is that he has been able to secure the support of the local people in enlarging that hospital, and it is hoped—he met me only a few days ago—that the people there will help him in establishing a well-equipped hospital for this purpose. Moreover, Hathras cannot be said to be an out-of-the-way place. There he can command people from various parts of the province, for instance, Aligarh, Muttra, Agra, Delhi and other places. I learn that at the present moment people of 18 districts are being treated by him.

It must not be thought that we are making a gift of Rs. 16,000 to Dr. Joshi; that is not the case. The apparatus will be Government property. We are only setting up this X-ray apparatus in order that it may be at his full disposal. If he is asked to work at a place where the apparatus is needed for other purposes also, then naturally it will hamper his work. Therefore I think that a special apparatus for this work is needed for him in order that he may carry on the research work unhampered.

We have to look at another aspect of this question also. We are all pressing that the services should be Indianized, but we cannot have Indianization unless we produce eminent men who are able to do original work in our own services. Here is a man who has got the talent, not only talent but he has got the spirit of self-sacrifice too. If he had wished, he would have earned a

[Hon'ble Rai Rajeshwar Bali.]

fortune by being posted to a large town, but merely for the sake of carrying on researches he has requested to be posted at a small station where he can work unhampered. Now, are we to encourage these people or not? If we wish that we may produce here in India men of exceptional ability, men who have done something in the world of science, then I think it is our duty to encourage these people. We should try to discover talent wherever it exists and to help its development as far as lies in our power.

I therefore think that we should not grudge this little sum—it is not a sum which is being paid to Dr. Joshi himself but which will remain Government property—because it suits him and because it suits his objects if this X-ray apparatus is set up at a place like Hathras. Moreover, we cannot say that Hathras is a place of no importance or no consequence. It is a growing industrial town and the people there are appreciating his services and I learn that they are ready to raise large sums in order to establish a hospital of abdominal surgery, which does not exist anywhere in India except at Bombay and Calcutta.

Rai Bahadur Thakur Mashal Singh: There can be no exception to the views which have just been placed before the House by the Hon'ble Minister. I think that Dr. Joshi is capable, skilful and deserves every encouragement. The apparatus will not be given away to him, but it will remain Government property, and whenever he will be transferred from that place the apparatus will also accompany him. But I am not satisfied with this view that he should be kept at Hathras. I think better and more facilities can be provided to him if he be transferred to Lucknow, Allahabad, Agra or some other central place, because he will have a large number of such patients on whom abdominal operations could be performed. At Hathras I do not believe that he will get a sufficient number of such cases. Besides this, patients from all parts of the province run to Lucknow or Agra for their treatment, so I think in the interests of the patients as well as in the interests of the doctor himself it will be far better if he is posted at some big place. With this exception, I am quite in accord with the views expressed by the Inspector-General of Civil Hospitals and the Hon'ble Minister of Education. I think not only an apparatus of Rs. 14,000 but even if an apparatus of twenty or thirty-two thousand rupees be provided to him no one will grudge, but he should be posted at a place where better facilities be available for him for such operations and Hathras is not a fit place for such a talented man.

Hon'ble the President: This is not the object of the motion.

Rai Bahadur Thakur Mashal Singh: In the memorandum Rs. 14,000 are provided for an X-ray apparatus for use by Dr. Joshi.

Hon'ble the President: Not necessarily at Hathras but at any other place also. The motion is for the omission of the amount, not for the transfer of the doctor.

Rai Bahadur Thakur Mashal Singh: The item should be omitted if he is to remain there, but if he is to perform operations and make researches in better places the apparatus should be given to him. That is my point.

Hon'ble the President : Hathras is not mentioned in the note. That is all I say.

Pandit Nanak Chand : I regret to have to disagree with my friend, Rai Bahadur Thakur Mashal Singh, when he says that this doctor should be stationed at some one of those big centres which he has mentioned. Agra, Allahabad, Lucknow and Cawnpore have got many good things and I think a small but an important place like Hathras should not be denied the opportunity of having this hospital furnished as it is proposed to do. As regards the point that these four big towns which he has mentioned are central I wish to inform my friend that Hathras is as much central as any other town in this province.

Lieut. Raja Durga Narayan Singh : Question.

Pandit Nanak Chand : It is served by the Bombay Baroda and Central India Railway and is on the main-line of the East Indian Railway, and, as has already been pointed out by the Hon'ble Minister, even at present at Hathras this Doctor has succeeded in drawing patients from no less than 18 districts. Any person who wants to get the benefit of the advice and services of Dr. Joshi can have as much facility in going to Hathras from the various neighbouring districts as any person can have in going to Agra, Lucknow, Allahabad or Cawnpore. Besides, if he were stationed at one of the big stations mentioned by Rai Bahadur Thakur Mashal Singh there are chances of a considerable part of his time being taken by patients for other diseases, while if he is allowed to stay in a smaller place then we can feel sure that only people who want his special services will go there just as patients suffering from cataract go to Mogha in the Punjab and with this object I hope that my friend Rai Bahadur Thakur Mashal Singh and Dr Ganesh Prasad will not press this amendment.

Pandit Brijnandan Prasad Misra : If this apparatus is not meant for Dr. Joshi himself but would be attached to the hospital, would this Doctor be kept stationed at Hathras permanently? Would he not be transferred from this place or what particular arrangement will be made in regard to this apparatus when he is transferred?

Dr. Ganesh Prasad : Before I state whether I am one of the converted or unconverted I would like to have an answer to a question from Colouel Cochrane. Has this gentleman published anything and if he has published what are those publications?

Colonel A. W. R. Cochrane : He has not published anything, and I will certainly not advise him to publish anything. He is at the beginning of his work, which shows great promise. A man of his experience and ability need not publish anything, but he should go on doing his work silently.

Dr. Ganesh Prasad : I have no hesitation in declaring myself to be one of the unregenerate. The question is whether I have been able to make out a good case. My friend Mr. Saifi might be thinking that the ways of Government are not mysterious. He has only to look into the speech which I delivered in connexion with the Lee Commission. With a huge expenditure spread over decades there was not one member of the Indian Educational Service who published a single line of research in Mathematics or Physics in these provinces. However, that of course is a different question, and today you hear from the Inspector-General of

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Civil Hospitals, a distinguished man himself, that it is not desirable for a gentleman like Dr. Joshi, a fairly grown up man, not a mere youngster, to publish anything. Therefore, as a university man, I take very strong objection to the attitude of the Government. My friend the Hon'ble Minister has advanced not one argument, not two arguments, not three arguments, but argument after argument, remembering always that none of his arguments taken by itself is sufficiently strong to bolster up his case. Dr. Joshi may be a very estimable man, but the question is whether in the year of grace 1926 the faculty of medicine, which is costing Government Rs. 2,97,000 a year, deserves to be further strengthened, or whether the individual is more important than the institution, namely, the Lucknow University. I may not be as old as Colonel Cochrane, but I claim to have achieved some distinction in the world of science, and I feel extremely sorry for this wretched country when those who sit in the seats of the mighty have such views as expressed by Colonel Cochrane. The ways of Government are mysterious, because I am sure that our esteemed colleague the Hon'ble Sir Samuel O'Donnell would be the first man to say before the Statutory Commission :—"Look here, they have done no research work in these provinces; they have not advanced in the matter of primary education; they should not be given any further instalment of reforms." As regards the gentleman whose name I mentioned in connexion with Radiology, it was far from my mind to cast any reflection on him. As a matter of fact the University is giving him Rs. 900 a month, and not to afford him those facilities which would enable him to carry on research work effectively is unwise. I have spent sums for the Benares Mathematical Society to the extent of thousands from my own pocket, and although I do not come forward to the Director of Public Instruction for any kind of a grant—I am one of those persons who like to stand on their own legs—but I will circulate this view to all that the United Provinces Government cares more for individuals than for important institutions. Another argument of the Hon'ble Minister was that this apparatus was Government property. The Hon'ble Minister does not realize that there is such a thing as deterioration. The plant will be used by this gentleman for thirty years and then it will become the property of Government, when it is utterly worthless. Therefore I declare I am one of the unregenerate and I hold that this grant will be a sheer waste of money and it is an injustice to the Lucknow University, which is being starved and not being supplied with good apparatus for which there is a decided demand. As regards Hathras having more patients than the Balrampur hospital, I have here the report of the Lucknow Medical College and I can give you the exact figures having a good memory. There were 1,325 in patients in 1925 and 16,906 out patients. I ask whether Hathras can muster such a great number of patients. Therefore, although I know that Kunwar Jagdish Prasad has been totally converted by my arguments, simply because they have emanated from a non-official they will not help me to get Governments votes, for that reason I am not going to press my motion to a division, but I will not withdraw it.

Hon'ble Rai Rajeshwar Bali : I wish only to make one point clear. I think I was not quite clear when I stated my reasons why Dr. Joshi was posted to Hathras. The fact is that, as he was not looking for practice, but wished to do research work, therefore he wanted to be

posted, and we agreed to do it, to a place where he could have the fullest use of his time for making research. In a big hospital he would have to attend not only to cases of abdominal surgery but all sorts of cases. Therefore we thought that he should be posted to a place where he would have enough opportunity and time to specialize in this kind of work. Of course if we post him to a big hospital he can be posted only as an additional man. That question we are prepared to consider, but he cannot be put in charge of the hospital otherwise his research work will suffer. Our reason for posting him to this small town was solely that he should have enough time left to himself to attend to this work, and we know from experience that whenever there is a doctor of real eminence, people from all parts of the province gather there and he has the fullest opportunity for developing his special subject.

The motion was put and negatived.

Motions Nos. 8 and 9—Not moved.

The demand, as framed, was put and voted.

Demand No. 3.

Head 33—Public Health.

Hon'ble Sir Samuel O'Donnell: I beg to report to the Council the recommendation of His Excellency the Governor that under head 33—Public Health a sum of Rs. 31,901 be provided and I move that this sum be voted.

You will observe we only ask for Rs. 9,901, for this, because two and a half lakhs has already been paid to the Allahabad municipal board.

Motions Nos 10, 11, and 12—Not moved.

Motion No. 13.

Mr Muhammad Aslam Saifi: I beg to move that the demand of Rs. 13,620 (grant to the Dehra municipal board) be reduced by Rs 10. I notice that this grant was made because, on account of the incomplete condition of their water-works, they could not meet the first instalment of payment on account of debt to the Government. I wish to know whether this is the usual practice of Government, and if so are there any other municipal boards for which any such grant has been made? It appears to me to be rather a unique practice, because the financial condition of the board varies from year to year, and it is quite possible that in that year their grievances were bad, but if we were to establish this as a precedent I suppose it will be a very expensive precedent. I think I may at this stage make a suggestion that instead of making this grant it would be better to defer the payment of the loan. If they were unable to pay during the past financial year, which ended yesterday, and cannot pay during the current year, they might take longer and pay the instalment later.

Mr. G. B. F. Muir: There are very few municipal boards which have put in water-works and which have not received grants from Government. The Dehra Dun municipal board intended to finance this particular extension, the tapping of a new spring to increase the supply of the town—it intended to do this entirely by a loan, and it took a loan for the purpose in a lump sum, I think, last year—I am not quite sure of the date. It expected to be able to repay the loan out of the additional income to be received from the extra connexions which the additional

water would enable it to give. It so happened however that the project was not completed until one year later than the Board expected; and this upset the Board's financial calculations. The honourable member has suggested that the position might be met by postponing the payment of the loan. That was considered; but if only the first instalment were postponed, the Board would have to pay two instalments next year.

Rai Bahadur Lala Mathura Prasad Mehrotra : There is no quorum, Sir.

The division bells were rung, and when the quorum was obtained Mr. Muir was asked to proceed.

As I said, Government thought it better to settle the matter once for all by giving the board a grant equal to the first instalment. I do not think that there is any danger of creating an awkward precedent. The case is exceptional, for the board originally intended to finance the whole of the extension by means of a loan instead of asking Government to help it with a grant, as nearly all boards do. I do not think that the House should grudge the assistance now proposed: it was not the fault of the Board that the extension took one year longer to get into working order than was expected.

Mr. Muhammad Aslam Saifi : I have no objection to the grant being made to the Dehra Dun Municipal Board. I have every sympathy with the Board in its difficulties. My objection was to the soundness of this financial proposal. Any way, I wish to withdraw the motion.

The motion was, by leave of the Council, withdrawn.

Motion No. 14—Not moved.

Motion No. 15.

Mr. Muhammad Aslam Saifi : I beg to move that the demand of Rs. 10,000 for the promotion of physical culture be reduced by Rs. 10.

This is a new item, and I suppose it is in accordance with the resolution passed by this House. I should like to know the details of the scheme which Government propose to carry out—what system they wish to adopt for this purpose and what will be the means.

Hon'ble Rai Rajeshwar Bali : We are all keen that we should attach some importance for the promotion of physical culture especially among those people who on account of their literary pursuits are apt to lose their health. We therefore wish to encourage the establishment of athletic clubs in cities and to organize tournaments in order that the people may take more interest in physical culture, such as sports and other things. Lately I had the opportunity of seeing an athletic club established in Fyzabad. It is called the Hobart Kutcherry Club. The deputy commissioner of that place, Mr. Hobart, has started the club in which the kutcherry *amlas* have joined and have tennis and other games there. In the same way I think we can help in the establishment of similar clubs in cities particularly, where people in courts and others following literary professions could join for games to keep up their health. We shall try to think out other means also. Now this is one of the ways by which we propose to utilize the money. I shall be quite prepared to receive any other suggestions that are made to promote this object.

Hon'ble the President : There is a motion in the name of Pandit Nanak Chand. Does he wish to speak on this motion ?

Pandit Nanak Chand : I intended to make a similar inquiry as the one made by Mr. Saifi, but from the answer of the Hon'ble Minister I feel more gratified than I had expected. Recently . . .

Hon'ble the President : That ought to be an incentive for the honourable member not to make a speech.

Pandit Nanak Chand : I wanted to throw out a suggestion to the Hon'ble Minister in this connexion. Recently in connexion with tennis club at Bulandshahr which is named after our late collector Mr. Mumford, the municipal board granted some money for fencing the tennis court.

Hon'ble the President : Order, order. Has that anything to do with the motion on the order paper ?

Pandit Nanak Chand : Yes, Sir, in connexion with the promotion of physical culture.

Hon'ble the President : That concerns a particular institution. It has nothing to do with the motion here.

(Pandit Nanak Chand wished to say something.)

I have given my ruling and I will not permit the honourable member to discuss that matter here in connexion with supplementary estimates.

Pandit Nanak Chand : I just wanted to suggest (several members: order, order) to the Government, Sir, with a view to promote physical culture the item which has been vetoed by the commissioner may be restored.

Hon'ble the President : That does not arise here.

Maulvi Muhammad Obaid ur-Rahman Khan : After hearing the reply of the Hon'ble Minister I may say that the scheme which he has presented is quite vague. I am quite at a loss to understand any wisdom in the scheme which he has asked us to sanction. I think it is not advisable that the money should be spent on the establishment of irregular athletic clubs in different places. Is there any committee which is responsible for the scheme and is there any programme which has been chalked out properly by them ? Is there any scheme at all before the Government or has the Hon'ble Minister made up his mind having seen the Fyzabad club only ? May I know how he intends to spend this money, how these clubs will be established, whether all the clubs will be in connexion with kutcheries or outside also ? Anyhow, the scheme which he has just related in his speech is not satisfactory. I think it would be better if the Hon'ble Minister at present omits the sum which he has brought forward for the approval of the Council. And having worked out a proper scheme he will assure the House that it is based on a sound basis; then this House will have no objection in sanctioning it. With these words I support the motion.

Mr. Muhammad Aslam Saifi : I was under the impression when I noticed this item in the supplementary estimates that it was probably something on the lines of the scheme which has been adopted in the Punjab. We used to read in the papers that Punjab was very keen on this question and has already organized and put into execution a scheme to develop the physical side of the people there.

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Now, we all know that the Punjabis are four times stronger than men of the United Provinces, and here although a sum of Rs. 10,000 is being provided for physical culture, there appears to be no cut and dried scheme as to how it is going to be spent. The House will remember that the opposition some time ago had brought forward a resolution, over which they spent a lot of eloquence that the sum of fifty-six lakhs of rupees which had been remitted by the Government of India might be utilized towards meeting the requirements of the rural population, for example, education, sanitation, village industries, etc. The objection made by the Government benches in reply to the resolution was that the mover had not brought forward any tangible or practical scheme before the Government. I thought at the moment that that was a very sound objection, but today a proposal emanates from the Government themselves without any definite scheme. I am not aware how the Government propose to proceed in the matter of the establishment of athletic clubs in urban areas. Do they mean to start clubs for tennis or some such physical culture? To my mind, instead of having athletic clubs like the ones we have in towns we might have clubs which might encourage Indian indoor exercise.

Hon ble Rai Rajeshwar Bali : I do not think that we are at all indefinite in our mind as to the way in which we are going to spend the money, and if I have not been able to carry conviction to my honourable friends, it may be for the reason that I have not expressed myself very clearly. Sir, we will endeavour to encourage the establishment of athletic clubs. Indian exercises can of course be introduced there like other games of tennis, hockey, and football. The whole point is that if people of a certain town will combine together in the establishment of an athletic club, we will be glad to give it a small grant-in-aid. The Government will publish a scheme shortly, and the public would be asked to establish athletic clubs with their help. In the next place, all the clubs and athletic associations in the province will be encouraged to join in tournaments, and in this way we expect to arouse interest in the public for physical culture, and once that has been done, I am sure there will be a great physical development in the province.

The motion was, by leave of the Council, withdrawn.

Motion no. 16.—Not moved.

Motion no 17.

Rai Bahadur Babu Ram Nath Bhargava : I beg to move that the whole demand of Rs. 3,41,901 under "33—Public Health" be reduced by Rs 10. The object of my motion is to inquire from the Government what steps they are taking to combat the epidemic of plague in the districts of Aligarh, Agra, and Muttra, as Government are probably aware that for the last four years plague is spreading in these districts. In the case of Muttra when there was plague last year, I, as chairman of the district board, tried to combat the disease. The district board did not mind spending money, but the Government did not come to our help; but I am thankful to the Director of Public Health, who deputed an officer when I asked him. This year, too the Government have taken no steps at all while plague is very bad at Aligarh, Hathras, and Agra. If such a state of things continues, I am afraid the result will be disastrous. My submission is that measures should be adopted when there is no

plague, i.e. in the rainy season and in November. Muttra is a great pilgrim centre and people from all parts of India come there daily. If steps are not taken to combat plague, these people will carry the disease to the whole of India. From the notes on page 4 in the Supplementary Estimates it appears that there is a provision of Rs. 11,375 for the extension of the district health scheme to Bulandshahr. I am at a loss to understand why Government are not going to extend the scheme to Aligarh, Muttra, and Agra. I hope the Government will do so now and will consider the desirability of taking steps very early.

Hon'ble Rai Rajeshwar Bali : I quite agree that plague has been prevalent in the districts mentioned by the honourable mover of this motion. We are attempting to take all the steps that we can for the prevention of plague. There are only two measures that we can take at present, viz. inoculation and evacuation. I believe that the Civil Surgeons of those districts have been specially asked to encourage inoculation and that a large number of people have been inoculated. As regards evacuation, the Director of Public Health is always ready to make an advance for this purpose. I know of certain districts where he has made this advance of money for building huts and for other facilities to those people who have left the city. I am not sure whether he has done so in other districts also, but I shall find out from him. We shall again write to the authorities to encourage people to evacuate their houses.

As to the introduction of the district health scheme, I may point out that it was our intention not to introduce it in any new district in the coming year, because we had introduced it in some sixteen districts already and we had not trained staff sufficient for the purpose of introducing it in other districts. We introduced the scheme in the case of Bulandshahr for the reason that the district board there was ready to contribute one-third of the total expenditure, while the district board of Muttra was not. In any case we are examining the question. I recognize the need for this scheme being introduced in Muttra, which is a great pilgrim centre, and I hope the question will be decided very soon.

The motion was, by leave of the Council, withdrawn.

The demand was put and voted.

Demand no. 4.

Head 31—Education.

Hon'ble Sir Samuel O'Donnell : I beg to announce to the Council the recommendation of His Excellency the Governor that a sum of Rs. 8,35,228 under the head "31—Education" be provided and move that the said sum be voted.

Motion Nos. 18 and 19—Not moved.

Motion No. 20.

Dr. Ganesh Prasad : I move that the demand of Rs. 1,00,000 concerning grant to the Allahabad University be reduced by Re. 1.

I wish to place before this honourable House the reasons for the application of the Allahabad University for certain sums being granted to it. It is well-known, Sir, that in the year 1922 the views of the Government, in the matter of what the requirements of the Allahabad University were, and would be, were different from what they are now. A sum of

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Rs. 7,00,000 was voted for the purchase of the Indian Press. The Indian Press building was intended to be a kind of nucleus for class rooms and lecture rooms of the Arts departments. The number of students has increased very considerably since 1923, and it is likely that in the near future the University will come to the Council for an additional grant for lecture rooms and class rooms. What is more important, at least according to some gentlemen here, is facility for the teachers and the taught to know each other. It is very desirable that there should be residential quarters for the teachers of the University, and it is also very desirable that as many students of the University as possible should be very near the University class rooms—in other words, there is need for hostels and residential quarters. After very careful economizing without any diminution of efficiency, the University managed to save a fairly decent sum of about two lakhs, and we were thinking that we would be able to keep that sum as a reserve fund. As a matter of fact even in the old University there was a certain sum which might very well have been called the reserve fund. In the month of January the Executive Council of the University considered the question of acquiring certain land because the Improvement Trust was practically pressing the University to come to a decision. I may mention in this connexion that the Allahabad Improvement Trust and the University had come to some kind of agreement as early as 1921-22, and the University was therefore urged by the Improvement Trust to come to a decision. I may also mention, Sir, that it was very desirable to come to a decision soon, as the University was threatened with a number of suits. The University came to the conclusion that certain lands round about the Senate Hall should be acquired as early as possible, and after a great deal of discussion it was decided by the Executive Council that the required expenditure should be met from what is called the reserve fund and at the same time an application should be made to the Government to help the University fully to the extent of the sum required in purchasing the land and building a hostel and residential quarters thereon. Therefore, I just wish to make it clear that the reason why the University came to a decision so hurriedly without first obtaining a definite promise from the Government was that we were placed on the horns of a dilemma. The Improvement Trust troubled us on one side and some private gentlemen threatened us with suits. Therefore, we had no time to wait for a promise from the Government. The total sum that would be required for the acquisition of the land that I have alluded to would be Rs. 1,42,000. I have got here the proceedings of a certain sub-committee and it was decided by that sub-committee that with reference to Statute 12 (i) of Chapter III the sum of Rs. 1,40,000 be provided for acquiring the land for building a hostel and residential quarters. As regards the sum which will be required for building a hostel and residential quarters on that land I cannot give from memory what that sum exactly is, but I believe that it would be certainly more than one lakh, probably two lakhs. At present as is well known, house property in Allahabad is very dear and the Allahabad people, just like the Lucknow people, think that particular sites have a special value attached to them and therefore the rents are high. The members of the teaching staff are therefore very much inconvenienced because of this condition of things in Allahabad. Very few teachers have been able to build houses for themselves, but if residential quarters are built

by the university it is hoped that they will be all taken up, because very likely the University will not demand more than 5 or 6 per cent. of the total expenditure on any particular building as its yearly rent. The number of teachers in the University is about 80. The number of students is about 1,200. Of these, 1,200 students. I understand about 500 or 600—I am not sure about my figures as I am at present rather out of touch with Allahabad—live in the various hostels. Therefore, the need for more hostel accommodation is felt, the need for residential quarters is felt, and I hope that the Government will look into this matter with that consideration which it has shown to the University in the past.

I will not end without expressing my thanks to the Government for deciding to come with a demand for this sum of one lakh; but gratitude is a kind of sense of appreciation of favours to come, and therefore I am grateful. I hope the Government will realize that I as a representative of the Executive Council of the Allahabad University in this House will expect the Government to come out in the near future with the demand for an additional grant and I hope that some kind of pronouncement will emanate from the Government benches as to what their intentions in the matter are. I think the Vice-Chancellor had approached the Hon'ble Minister in charge and probably some kind of promise in his private or semi-private capacity was made by the Hon'ble Rai Rajeshwar Bali. I want to make it clear that we ought to get this additional grant without any great difficulty, and, therefore, it is not desirable that the University should be asked to spend that two lakhs to which I have referred. I ask the Government to make a kind of promise that they would practically bear the total cost of the land that would be required for the buildings and the cost of putting up those buildings.

Mr. A. H. Mackenzie: I do not think that I need reply at any length to the honourable mover, as it appears to me that his motion has been moved mainly with the view of expressing gratitude to the Government. I may say that the Government approve of the Allahabad University extension scheme. That scheme will cost approximately Rs. 5,00,000. The present position in regard to the finances is that the University, as Dr. Ganesh Prasad has pointed out, has in hand two lakhs, the savings made from the Government grants. The University voluntarily offered to utilize Rs. 1,40,000 from these savings towards the cost of the University extension scheme, and we were given to understand by the Vice-Chancellor that if the Government provided in the budget of 1926-27 a grant of Rs. 1,00,000, this grant would be sufficient for the present to meet the most urgent needs of the University for hostel accommodation. As for the future, as I said, the Government approved of this scheme, and if funds are available and are sanctioned by the Legislative Council, the Government will be prepared to give the scheme further assistance.

Dr. Ganesh Prasad: I am almost satisfied by what has been said by my honourable friend Mr. Mackenzie and therefore I withdraw my motion.

The motion was, by leave of the Council, withdrawn.

Motion No 21.

Dr. Ganesh Prasad : Mr. President, would you allow me to move my motion ?

Hon'ble the President : I called on the honourable member to move and he did not rise in his place and therefore he cannot move his motion now.

Motions Nos. 22 to 25—Not moved.

Motion No. 26.

Pandit Nanak Chand : I beg to move that the demand concerning vernacular school libraries under "C—Primary—Grants to district boards" be reduced by Re. 1.

I just want to inquire from the Hon'ble Minister as to whether these grants will be made without any condition to the local bodies and to meet the total cost of the libraries or whether they propose that the local bodies should also contribute any portion of this cost.

Mr. A. H. Mackenzie : The Government have been experimenting with schemes of libraries in the districts. There have been two schemes. One was for stationary libraries and the other for circulating libraries. The condition of the Government was that the district boards should bear a share of the cost. Mainly on account of that condition the boards have not been able to take advantage of the Government's offer to assist them, but the Government regarded it of great importance that progress should be made in the establishment of libraries in the districts. Accordingly the Government propose to utilize this money in providing district boards with the entire non-recurring cost of middle school libraries. The recurring cost, which will not amount to very much and which will be mainly expenditure on account of allowances for libraries, will be met by the boards themselves, but the Government will permit them to charge the cost to their educational budgets. We hope that the boards will be able to take advantage of this generous offer by the Government and that in the coming year we shall be able to make considerable progress with the scheme.

Mr. Muhammad Aslam Saifi : I want to have a little more definite information on some points. In the first place I would like to know the number of libraries that have already been established, the number of books supplied to these libraries, the nature of these books, and how many people have taken advantage of these libraries by borrowing books from the libraries to read them at home. This is not altogether a new item. This item, as far as I remember, was to be found in the last year's budget also. It has come to my notice that some of the district boards take objection to this on the ground that the department insists upon such books only being furnished to libraries as are approved by the Department of Education. Personally I do not find much fault in this, but I suppose that on the whole it will be conceded that it is desirable that a little more liberty should be given to district boards to make a choice of books besides those which the department places in the form of a list before the district boards.

Hon'ble Rai Rajeshwar Bali : The honourable member wishes to know how many libraries have been so far established. Circulating libraries have been established at Garhwal, Pilibhit, Jalaun, Gorakhpur, and Meerut and stationary libraries at Cawnpore, Allahabad, and Luck-

now. Then he has referred to the question of choice of books for these libraries. We have got a small committee consisting of the Deputy Director of Public Instruction, Mrs Jwala Prasad, Miss H. G. Stuart, Lala Sita Ram, Mr. Mukandi Lal, Mr. Nazir Husain, Mr. A. ul Hasan, Babu Ganeshi Lal and the secretary of the Text-Book Committee, to choose books for the libraries and we are going to co-opt a number of chairmen of local boards to this committee. They will choose books for these libraries which they consider suitable.

Mr Muhammad Aslam Saifi: You have omitted to say anything about the number of books supplied to these libraries.

Hon'ble Rai Rajeshwar Bali: I am afraid I cannot give this information from memory.

The motion was, by leave of the Council, withdrawn.

Motion no. 27.—Not moved.

Motion No. 28.

Mr Muhammad Aslam Saifi: I move that the demand of Rs. 1,00,000 concerning grants to district boards for training school buildings be reduced by Rs. 10.

My object is to know whether the Government have decided not to increase the number of the normal schools, as has been recommended by Mr. Kichlu in his report on primary education. It has been found by experience that those teachers who have been trained in the training classes are not so good and cannot possibly be so good as those who are trained in normal schools. It is well-known that in the rural areas more than one-third of the number of teachers is either untrained altogether or trained in the training class and has not had the benefit of being trained in the normal schools. Further, the expert officer who is in charge of primary education of the department, viz. Mr. Kichlu, had expressed an opinion in his report that the training classes should altogether be abolished, and support was given to the belief that that is the view held by the department, by the fact that the training classes were practically kept in suspense during the last year. Therefore I should like the learned Director of Public Instruction to inform the House as regards these points.

Mr. A. H. Mackenzie: There always will be need for the one-year course of training which is provided by the training class, especially as the Government have now got a Bill through the House for the introduction of compulsory primary education. The only question is whether the one-year course should be given at the normal schools or whether it should be given at special institutions in the districts. It is true, as my honourable friend pointed out, that Mr. Kichlu in his report recommended that the training classes in the districts should be abolished but the Government believe that if the existing training classes or at least some of them are improved by necessary additions to the buildings and by securing well-qualified staff, it will be possible to make these institutions efficient. We aim at least at one good training class per district. We think it not impossible to find one training class per district which we can convert into an efficient institution. In order to do this we shall have to provide suitable hostel accommodation and adequate equipment, and it is for that purpose that we are providing this sum of one lakh in the budget.

The motion was, by leave of the Council, withdrawn.

Motion No. 29.

Rai Bahadur Lala Mathura Prasad Mehrotra : I beg to move that the demand of Rs. 25,000 for the grant to associations for the encouragement of vernacular literature be reduced by Rs. 100.

If the honourable members will turn to page 6 of the supplementary estimates they will find that the Government wants to spend Rs. 25,000 for the encouragement of vernacular literature. This sum is to be given as grants to associations. I want to know what are those associations and how are they going to help the vernacular literature. Sir, it was only the other day that I was reading the account of the translation bureau for the encouragement of vernacular literature of the Usmania University of Hyderabad, and I was indeed very glad to find that it has done a real service to the vernacular literature of the country. They have translated books on Logic, Philosophy, Law, Medicine, and all other subjects and are doing very well without impairing the standard of the original works. I therefore think that it is better to spend the amount in this way.

We have also passed a resolution in this House that a translation bureau should be established and we have further passed another resolution that vernacular should be the medium of instruction up to the High School Examination. Therefore it is but proper to spend a larger amount, say about a lakh, on the establishment of a translation bureau for the encouragement of vernacular literature. I therefore hope that the Hon'ble Minister will consider this point very seriously.

Mr. Muhammad Aslam Saifi : The object of my motion is the same as has been described by my friend, Mr. Mehrotra. Before I proceed I must thank the Hon'ble Minister in charge of the department for providing this sum for the encouragement of the vernaculars. I was afraid on listening to the speech of my honourable friend, the Director of Public Instruction, when he spoke on the resolution moved by Mr. Yajna Narayan Upadhyaya regarding the translation of scientific works into the vernaculars that the Government have not approved of any special scheme and the agency through which it will be carried out, and that they are not in a hurry to provide any amount in the forthcoming budget; but I am very pleased to note that this sum, small though it is, has been provided in the supplementary estimates.

Sir, we all know the condition of the vernacular literature and the sad neglect of the Government in that direction, but as it is a very important subject and a great deal will depend on the choice of the works and the appointment of translators who will undertake that work, I would suggest that a committee consisting of such persons whose opinion and advice will be of great assistance may be appointed, because if it is to be merely a bureaucratic institution placed in charge of an officer who alone would be responsible for the work, then of course the patronage might be extended in directions which will not meet with the approval either of the non-official members of this House or the public outside. I hope therefore that this suggestion of mine will meet with the approval of the Government.

Hon'ble the President : Will Pandit Nanak Chand speak to his motion now?

Pandit Nanak Chand : No. I have already been forestalled by two honourable members.

Hon. Rai Rajeshwar Bali : As the honourable members are aware, we accepted the resolution that was moved in December last by Pandit Yajna Narayan Upadhyaya that something should be done for the encouragement of vernacular literature. Therefore in order to achieve this object we have asked for this supplementary grant. Our objects are—

- (1) to encourage the production of original writings in Urdu and Hindi ;
- (2) to encourage the translation into Urdu and Hindi of standard Western works approved for the purpose by the Executive Council ; and
- (3) to encourage original linguistic studies relating to Urdu and Hindi.

This money will be spent in encouraging people to write such books by giving them prizes or medals or in any other way that is suggested, and I hope that we shall be able to achieve this object. As to whether it should be called a translation bureau or by any other name that is not very material. Our aim is to get such books written in vernacular literature and we shall adopt every means possible to encourage people to write such books.

The motion was, by leave of the Council, withdrawn.

Motions Nos. 30, and 31 32—Not moved.

Motion No. 33.

Mr. Muhammad Aslam Saifi : I beg to move that the demand of Rs 8,35,228 be reduced by Rs. 28.

As everyone knows, my community is admittedly very backward in education and not merely in general education but in every phase of it. I would like to illustrate my point of view by referring to a saying of Mirza Hafizullah which I came across in his biography that once he was invited by the last unhappy occupant of the Moghal Throne. When he was walking with him in a mango orchard Mirza Sahib concentrated his gaze upon certain mangoes. The king asked him as to what had attracted his attention. He said : " Sir, I have learnt that everything that is given to eat to a human being has got his name written upon it, because it was ordained in eternity. Now, Sir, I am looking at these mangoes to find if my name is also written upon any of these mangoes." Of course naturally the king was very pleased with this reference and he sent him two baskets of the best mangoes in his garden. Now, Sir, I went through the whole list of grants-in-aid that are made to the various institutions and I congratulate the managers of those institutions heartily ; but, Sir, my regret is that my unfortunate community has not had its name written upon any one of those items. That is all that I wanted to bring to the notice of the Director of Public Instruction.

Mr. A. H. Mackenzie : I think that my honourable friend would have felt more cheerful if he had taken up the last year's schedules along with those of the current year, because he would have found in the last year's schedules that the highest grant that was given to schools was given to a Muslim institution. As regards the present year, the reason that we have no Muslim institutions in the list of those to which grants-in-aid are given is simply that we have had no application from a Muslim school for a grant under the rules. There are not

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many Muhammadan secondary schools, and if the honourable member knows of any such institution that is willing to come forward with an application for a grant-in-aid under the rules I can tell him that I shall welcome it most heartily, because I am only too anxious to show that we are willing to further the efforts of all communities for the advancement of education. Perhaps certain figures of which I shall remind him will hearten him to some extent. They were given in answer to a question in Council put by himself. A statement was laid on the table showing the recurring grant-in-aid per pupil in attendance. He will find if he studies that statement, which was supplied in January, 1926, that the recurring grant-in-aid per pupil in attendance is higher in Muslim high schools and middle schools than in schools for other communities. I mention this fact not to suggest in any way that Muslim schools are in a privileged position but only to make it clear that the interests of Muhammadans are not being neglected.

Pandit Nanak Chand : I want to take advantage of the general motion of my friend Mr. Saifi to inquire from the Hon'ble Minister as to what steps he has so far taken or proposes to take in connexion with the problem of the three years' contract of grants to district boards.

Mr. Muhammad Aslam Saifi : I thank my honourable friend the Director of Public Instruction, for giving such an encouraging reply, and I did always expect that he would certainly distribute the grants freely to anybody who comes to him for assistance for enlarging the scope of education. But when he says that they did not receive any application and on that ground no grant was given, I would like to point out to him that an institution with which he is very well acquainted, the Rifai-i-Am school last year called in a deputation on the Minister of Education and they also put up an application to the divisional inspector of schools. Of course sometimes when they are helpful in giving useful advice to those who go to them with regard to these questions they often act as brakes, they put a stop to the whole machinery, raising all sorts of objections, and therefore the procedure becomes so very lengthy that perhaps the application is not able to reach the department. To a layman who is outside, who does not know the rules and regulations and procedure of the department it appears that this machinery has been devised deliberately to put a check on the managers who want to come to Government at all times of the year. I remember perfectly well that in answer to a question of mine the reply was given with regard to the total number of institutions, the boys reading in them and the total expenditure incurred by the institution themselves and the grant-in-aid given by Government. I think it is most unreasonable that the grant should be worked out per student because this is the column put in by the Director of Public Instruction himself, probably to strengthen his position, because in certain institutions, and especially those which have anything to do with my community, the number of scholars is naturally very small. The question is that when my community which is not overloaded with the good things of this world, when everybody knows that economically we are in the worst possible position, how is it possible that we would be able to secure the same amount of money that is required according to the rules. If any

concession is made of course it is very much appreciated, and that is the reason that the percentage works out more with Muhammadan schools than any other community. But whatever special concession is shown to my community I am most grateful for it and I do on behalf of my community thank the department for what it is doing for us.

Mr. A. H. Mackenzie: By way of personal explanation I should like to say that the particular institution to which my friend has referred has received all the assistance to which it was entitled under the rules, and that if that institution does not find its name in the present supplementary estimates the reason is, I believe, the fault of the management, as I think I shall be able to convince my honourable friend if he would discuss the case of that school with me outside the House.

Pandit Nanak Chand: May I have an answer to my inquiry?

Hon'ble Rai Rajeshwar Bali: We are providing in this budget Rs. 80,000 more for grants to district boards for primary education, but as to how this money is to be distributed we cannot say until we have examined the whole question.

The motion was, by leave of the Council, withdrawn.

Motion No. 34.—Not moved.

The demand for Rs. 8,35,228 was put and voted.

Demand No. 5.

Hon'ble Sir Samuel O'Donnell: I beg to report to the Council the recommendation of His Excellency the Governor that under the head Civil Works (works outlay) the sum of Rs. 4,83,095 be provided, and to move that this sum be voted.

Motion No. 35.

Rai Bahadur Lala Mathura Prasad Mehrotra: I beg to move that the demand of Rs. 48,000 concerning Fatehpur and Muttra tahsils be omitted.

If honourable members will turn to page 7 of the supplementary estimates, they will find that the items that I refer to in my motion are Rs. 18,000 for additions and alterations for the Fatehpur tahsil and 30,000 for the new tahsil in Muttra. Both these items are required for the recent abolition or creation of a new tahsil owing to changes in location. I will remind the House here of the speeches of my honourable friends Khan Bahadur Maulvi Fasih-ud-din Sahib and Dr. Shafa'at Ahmad Khan when they were fighting for the restoration of the tahsils of Zamania and Thakurdwara the other day. Those tahsils came under reduction, but they were fighting that they should not be reduced. The fate of those tahsils is also uncertain. Other members will come forward in future and ask that they should not be located at a place where they are going to be located now. So it is better for the Government to wait and see if there is any representation from these quarters or not; otherwise the money may not be misspent. I therefore draw the attention of the Hon'ble the Finance Member to this matter for his consideration from the economic point of view.

Mr. A. W. Pim: The honourable member has, I understand, not so much taken exception to the projects in themselves as to the policy of which they are the result. On this point I can only say that the tahsils have been abolished and that, so far as I know, there has been no special

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objection to their abolition. Taking first the case of Fatehpur district, which I happen to know best, the tahsil of Ghazipur was amalgamated with the tahsil of Fatehpur and as a necessary consequence part of the staff and records of Ghazipur tahsil had to be moved to Fatehpur. This cannot be done without extra accommodation.

As regards Muttra district, that is a more complicated matter. The old Mat tahsil is housed in an old fort which is unsuitable for the purpose, and as long ago as 1911 it was recognized as crumbling and uninhabitable. Proposals were put forward to transfer the tahsils to Surir which is in itself a much more suitable centre than Mat. After careful investigation Government sanctioned this proposal in 1912; but funds were not available at the time. Nothing has been done up to the present and naturally the state of the buildings has steadily deteriorated and they are becoming more and more unfit for their purpose, while they are too bad for it to be worth while spending money on them. Then came the abolition of Mahabau tahsil or rather the amalgamation of Mat tahsil with part of Mahaban. Extra accommodation was essential for the additional staff and for the records to be transferred and it was obviously inadvisable to spend any more money on the existing Mat tahsil. As a necessary consequence the project which had been approved in 1912 but was only postponed had to be taken up again. And this is the project for the carrying out of which the demand is now before the House.

Rai Bahadur Lala Mathura Prasad Mehrotra: I only wanted to sound a note of warning. If the Hon'ble Member of the Board of Revenue has ascertained that the people of the locality have not taken objection to it and that it is worth while, I have no objection to withdraw the motion.

The motion was, by leave of the Council, withdrawn.

Motion No. 36.

Dr. Ganesh Prasad: I beg to move that the demand of Rs. 1,00,000 for the construction of a hygiene institute be reduced by Re. 1.

I am very glad to announce today that, after consultation with the Vice-Chancellor of the Lucknow University and my esteemed friend Dr. Pandya, I have modified my attitude towards the hygiene institute, especially after noting that Government too has come forward with a smaller demand.

My object in moving this reduction is to elicit some information about the intentions of Government. I should like first to know, Sir, the total number of students who are trained for the D.P.H. examination and for the L.P.H. examination and the number of students who are trained as sanitary inspectors. The second point about which I want to have information from Government is with regard to the prospects of those who pass the D.P.H. examination of the Lucknow University—whether the D. P. H. examination of the Lucknow University is considered to be equivalent to the D.P.H. examination of the Cambridge University. If the Government think that the two examinations are of the same standard, would they discriminate between these two types of graduates in the matter of

[Dr. Ganesh Prasad.]

appointments? What are the prospects of a man who passes the D.P.H. examination of the Lucknow University as against those of a man who passes the D.P.H. examination of the Cambridge University.

There is another point about which I wish to have some information. Is this institute also intended for the training of people who wish to do post-graduate research work after passing their examinations for the D.P.H. ? In other words, is it intended to be a centre of research?

Hon'ble Rai Rajeshwar Bali : I am glad that my friend the representative of the Allahabad University has at last modified his attitude towards this hygienic institute. He has asked a number of questions. First as regards the number of students who are trained here for the D.P.H. examination and for the class of sanitary inspectors, I learn that accommodation is being provided to train about 60 students in the laboratories at one time for the D. P. H. class and from 20 to 30 students for the sanitary inspectors class.

Dr. Ganesh Prasad : What about L.P.H. ?

Hon'ble Rai Rajeshwar Bali : I shall let the honourable member have complete information later on. As regards the question of qualifications for the D.P.H. of those who pass from the Lucknow University and those who pass from the Cambridge University, there is only one difference at the present moment. People who take the D.P.H. degree of the Lucknow University are appointed as medical officers of health in second and third class municipalities and as medical officers of health in district boards, while under the rules as they exist at present people with British qualifications are appointed as assistant directors of public health and as medical officers of health in first class municipalities. Since we are going to improve the course here and since we hope by this hygienic institute that we shall be able to turn out a better equipped class of students, the proposal is under the examination of the Government whether we should not remove these disqualifications in the case of medical officers of health in first class municipalities, that is to say whether we should not appoint these officers to first class municipalities also. There is no difference in the curriculum and in the courses that are taught here and in the University of Cambridge. But people there get a better knowledge of hygienic conditions as they exist in those countries. That is why this qualification was fixed. Now in the case of first class medical officers we are considering whether this disqualification should be removed.

Dr. Ganesh Prasad : I take it that the number of students in the D.P.H. class Part 1 is 8, the number in the D.P.H. class Part 2 is 8, the number in the L.P.H. class is 8, and the sanitary inspectors class comes to about 44. Am I right? The next point is that I am not satisfied with what the Hon'ble Minister said regarding the reasons for discriminating between the Cambridge D.P.H. and the Lucknow University D.P.H. I suppose that he is still obsessed with the notion that in India sanitary conditions cannot be as good as they are in some European countries. Let me undeceive him on this point. The economic conditions of the two sets of people are entirely unequal. It is not desirable to institute any comparison between the two sets of people. This opinion I am giving for the second time. However, that is a bone of contention between the Minister and me; our quarrel on this point will never be settled as long as he sits on the Government

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benches. I hope he will take early steps to remove this discrimination against the Lucknow D.P.H. so far as appointments to first class municipalities are concerned. As regards the posts of assistant directors of public health it is only right that people who get those places should get them only by reason of their merit. I beg to withdraw the motion.

The motion was, by leave of the Council, withdrawn.

At this stage the Council adjourned for lunch.

After the recess.—

Motion No. 37.

Pandit Nanak Chand : I beg to move that the demand concerning communications be reduced by Rs. 1,00,000.

As the honourable members are aware, the Government have got about 17 lakhs under "Capital Account" for communications. They have also got about 5½ lakhs for repairs from "Revenue." Now, it is proposed to have another 2½ lakhs. Sir, I do not grudge any outlay on communications in view of the very bad condition of roads, but what I want the Government to do is that they should give effect to the recommendations of the Public Works Reorganization Committee. In recent years, owing to the transfer of most of the roads in the province to district boards, the work of the Public Works department has decreased, but unfortunately there has been no corresponding diminution in the number of superior posts in that department.

Hon'ble the President : What has the motion under discussion to do with the number of superior posts?

Pandit Nanak Chand : My submission was that instead of the Government asking the Council to vote additional money for communications, they should make economies by reducing the number of superior posts. The Government might say in reply that as the officers holding superior posts are members of an All-India Service, their posts cannot be brought under reduction without the sanction of higher authorities. I know it for a fact, Sir, that in the Education department the local Government have kept the posts of inspectors, which are reserved for members of the All-India Educational Service, in abeyance. If the Government follow a similar procedure in the Public Works department and keep the posts of deputy chief engineers in abeyance, a good deal of saving would be effected, which I think would be quite sufficient to repair the roads of the whole province. I hope the Hon'ble Minister will look into the matter and give a satisfactory reply to the Council.

Mr. Muhammad Aslam Saifi : When I looked into the supplementary estimates and noticed that there was no provision for giving the much deserved increase to the clerks employed in the divisions I sent up this amendment and my intention was to make the severest possible criticism of the department, but when I received the second instalment of the supplementary estimates I noticed an item of Rs. 13,365 for the express purpose for which I had already asked questions. I am therefore in a position to express my appreciation that the department has so quickly seen the justice of the case of those poor clerks. I have nothing to say.

Hon'ble Nawab Muhammad Yusuf : My honourable friend, Pandit Nanak Chand, has drawn the attention of the House to the fact that 17 lakhs have been provided for construction work and 5½ lakhs for repairs. These 5½ lakhs are for special repairs, viz., monsoon repairs. The whole of this sum was consumed in damages due to the floods in 1924, leaving nothing for the ordinary monsoon damages. In 1925 the damage done was to the tune of 7 or 8 lakhs and a certain portion of that work remained incomplete. For the year 1926-27 we have got a provision of 5½ lakhs, only while work has got to be done to the tune of about 8 lakhs. That is why an extra sum of 2½ lakhs is now asked for.

As regards the Reorganization Committee, we have done our level best to give the fullest consideration to the recommendations of the Committee and we have made reductions in every direction. Turning to the superior posts, I may say that the matter is under the consideration of the Government of India. Until their orders are received, nothing can be done in the matter.

As regards Mr. Saifi's remarks, I am glad that he is satisfied that the pay of the clerks has been raised.

Khan Bahadur Maulvi Obaid-ur-Rahman Khan : The road which goes from Bareilly to Aonla is one of the approved roads, but work has not yet been taken up. I hope the Government will be pleased to take it in hand.

Pandit Nanak Chand : I have not received a satisfactory reply as to why the Government should not take steps to keep one or two posts of deputy chief engineer in abeyance as I have suggested. In the circumstances I do not see my way to withdraw the motion, unless some more satisfactory announcement is made by the Government.

Hon'ble Nawab Muhammad Yusuf : We cannot do so under the instructions of the Government of India. It does not lie in our power to hold any of these posts in abeyance. All of them must be filled in. This will not interfere with the final decision of the higher authorities or with the proposal for effect being given to the resolution of the Government. It will also not interfere with future reduction in the cadre. The honourable member seems to be under a misapprehension that if the post is not held in abeyance, there may be some difficulties about the reduction being made in the cadre.

Pandit Nanak Chand : How is it that the Education department have been able to keep a post in abeyance?

Hon'ble the President : I am afraid this sort of debate will degenerate into a sort of interpellation.

Hon'ble Nawab Muhammad Yusuf : There are three officiating deputy chief engineers, and they can revert at any time.

Hon'ble the Home Member *rose to address the House.*

Hon'ble the President : Does the Hon'ble the Home Member wish to make a personal explanation?

Hon'ble the Home Member : I wish to say a few words as I was in charge of this department till lately.

Hon'ble the President : The member of Government to whose department the matter relates has already spoken last and the whole Public Service reorganization is not under review. The Hon'ble the Home Member cannot speak now.

Motion No 38.—Not moved.

The motion was put and negatived.

Motion No. 39.

Rai Bahadur Lala Mathura Prasad Mehrotra : I move that the demand of Rs. 19,000 concerning miscellaneous minor works be omitted. The sum, for the omission of which I have moved, is meant for increasing the reserve of the chief engineer for minor and petty works. The honourable members of the House will remember that I moved a motion for the reduction of the chief engineer's reserve for petty and minor works when the subject was under discussion during budget debates. He has a reserve of Rs. 1,10,000 at his disposal in a lump sum under Communications for petty and minor works as will be found from page 22 of the Civil Detailed Estimates. Besides this, there are many other minor items for which he has also got a reserve at his disposal. I do not think it at all necessary to give such a large sum as reserve to the chief engineer. The sum of Rs. 1,10,000 which I questioned at the time of the budget discussion was also a new item, as I could not find it in the columns of 1924-25 and 1925-26. So the Government has already increased the reserve of the chief engineer by lakhs and I do not think it is necessary that this sum of Rs. 19,000 should be further added. I know that the limit for minor works has been raised from Rs. 5,000 to Rs. 20,000 and that was the only explanation given to me when I moved the reduction at that time. The same reason is also given in the supplementary estimates at page 8. If the Government seriously considers that the reserve of the Chief Engineer should be extended—Government may extend it to 19 lakhs—but under the circumstances, I do not think it necessary to increase it to such a huge figure.

I therefore move for its omission and hope the House will accept my motion.

Mr. E. A. H. Blunt : The word "reserve" or "reserved" is a most unfortunate word. The honourable member is apparently unreservedly opposed to it in any shape or form. In the Public Works department the chief engineer has no less than nine reserves for various objects of all sorts. There is one for secretariat buildings, there is another small one for residential and non-residential buildings, for public works, for printing, for roads and ferries, there is one for accommodation of travellers, and, lastly, there is a miscellaneous one.

I explained during the budget debate exactly why these figures have to be increased. Formerly, every work of any kind costing over Rs. 5,000 was shown in the budget individually, because it was a major work. We have now raised the limit for major works to Rs. 20,000, and consequently a large number of works which were formerly shown individually in the budget are now not so shown: they have to be met from a lump sum, which is this reserve. I repeat that the word "reserve" is a most unfortunate word—in fact, so unfortunate that I intend to change it next year when I have a certain amount of power. I shall call it a lump provision for minor works. As for what miscellaneous buildings are, I have here a list of them: There are the public library, the old museum building, the toll collector's office at Benares, the Gumbi weir at Lucknow—there are two or three pages of such works. These

[Mr. E. A. H. Blunt.]

works have got to be kept in repair. You occasionally have a petty or minor work to do and surely you must have money to spend on it. As a matter of fact the amount spent in 1924-25 for repairs for these works was Rs. 51,000 and in 1925-26 it was Rs. 42,000; and all we are now asking is Rs. 19,000 plus the old Rs. 3,000. In fact instead of increasing our expenditure we have decreased it.

The motion was, by leave of the Council, withdrawn.

The demand, as framed, was put and voted.

Demand No. 6.

HEAD 34—AGRICULTURE.

Hon'ble Sir Samuel O'Donnell: I beg to report to the Council the recommendation of His Excellency the Governor that under the head Agriculture a sum of Rs. 1,28,334 be provided and to move that this sum be voted.

Motions Nos. 40 and 41—Not moved.

Motion No. 42.

Pandit Nanak Chand: I move that the demand of Rs. 7,000 for fencing the Etawah farm under "Farm contingencies" be reduced by Rs. 3,000.

On the face of it the amount that is proposed for fencing this farm appears to be excessive. I do not know how it is proposed to spend so much on this fencing. The other point which I want to bring to the notice of the Hon'ble Minister in connexion with the Agriculture department is the inadequate provision which has been made in the budget for co-operative societies.

Hon'ble the President: I am afraid we are discussing the Etawah farm fencing and not the Co-operative department.

Pandit Nanak Chand: I was suggesting that while on some petty project money is very liberally spent an important branch of this department, the Co-operative department, is being neglected.

Hon'ble the President: The proper time for this was when the Agriculture demand was being discussed at the budget time.

Pandit Nanak Chand: I wish just to bring this point to the notice of the Council.

Mr. G. Clarke: The Etawah farm has done very good work both as a demonstration farm and as a seed farm. It is, at present, as the honourable member surmises, unfenced, and it is situated in a position which exposes it to damage from animals, both wild and domestic. The sum required is rather more than we usually have to spend on fencing, because the farm is irregular and the perimeter is larger than is usual with a farm of that size. The damage was increased last year and is consequently lessening the amount of seed which is available for distribution. This is why we are obliged to come forward with this request for a supplementary estimate which was not included in our original budget proposals. The farm in 1924 made a profit of Rs. 1,000 and in 1925 made a profit of over a thousand rupees and we estimate that if it is fenced, the profit will be between Rs. 2,000 to Rs. 3,000 nearer Rs. 3,000 than Rs. 2,000. So that this sum will be a profitable investment

[Mr. G. Clarke.]

that will yield a very good interest on the money invested. I would, therefore, ask the honourable member not to press his motion in view of the fact that it is, as I have just said, a profitable investment and will yield a very good return.

Pandit Nanak Chand : In view of the remarks of the Director of Agriculture, I do not want to press my motion.

The motion was, by leave of the Council, withdrawn.

Motion No. 43.

Pandit Nanak Chand : I move that the demand of Rs 4,500 for the construction of an isolation ward for treatment of dogs under " Veterinary charges " be omitted.

I do not know whether it is a printer's devil, or whether the demand is as it stands in the memorandum. I find that it is proposed to allot Rs. 4,500 for the construction of an isolation ward with kennels for the treatment of dogs suffering from contagious diseases, especially rabies. I do not know where the Government proposes to locate this isolation ward, and how they propose to send dogs suffering from contagious diseases, and especially rabies, from all over the province. I think the general practice is that people in the villages usually make short shrift of these animals when they go mad and are likely to bite people and to inflict any injury to them. If these rabies are proposed to be sent from various places to this isolation ward, I am afraid there will be a constant source of danger on their way from these places to this isolation ward. I hope that the Government will not press the demand unless they can advance some reasons which are not clear here in the memorandum.

Mr. B. J. K. Hallows : The honourable member seems to be unaware that there is at present at headquarters a veterinary hospital for dogs. But the object of this hospital is largely frustrated by the fact that there is no ward for infectious and for contagious diseases. Consequently all dogs with contagious disease such as mange, or infectious disease such as distemper or canine typhus, have to be refused admission, since they cannot be admitted as in-patients. It is essential to have an isolation ward for the treatment of these dogs. Now, the honourable member wishes to know what we propose to do about rabies. Rabies is only one of the diseases which we propose to treat, or rather to observe. There is at present no known method, I believe, of treating rabies, but for the sake of humanity it is of great importance that dogs which are suspected of rabies should be examined and kept under observation. If, for example, a dog bites several people in Lucknow and if it is considered from its behaviour to be suffering from rabies, it will be sent to the hospital. At the hospital we shall have two boxes for observation purposes and the dogs will be kept there. In a short time the veterinary surgeon will determine whether they are mad or not and information will be given to the people bitten.

Pandit Nanak Chand : What about rabies in the mufassil ?

Mr. B. J. K. Hallows : If the dogs can be sent from there they will be examined, but naturally there are difficulties in transmission. However we must make a beginning somewhere and the most suitable

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place is headquarters. After the dogs are examined in the isolation wards their owners will be informed, so that they may go if necessary for treatment to Mussorie or Lahore. The purpose of this demand is not solely for the observation of dogs suspected of rabies but also for an isolation ward for the treatment of infectious and contagious diseases such as mange and canine typhus. I hope that the honourable member will be satisfied with the explanation.

Kunwar Jagdish Prasad : This proposal has been received with a certain amount of hilarity by honourable members. I think it will be recognized that dogs demand our sympathy. They are our faithful companions and keep watch at night. At present there is no adequate arrangement in the supposed capital of the province for treating them. Moreover, if a dog is suspected of rabies it is quite possible that the owner may in the absence of an isolation ward destroy him before the disease is properly diagnosed. If we have such a ward a dog suspected of rabies can be kept under observation and need not be destroyed unless he is found to be suffering from the disease.

That is one of the main reasons why we are making this provision. Of course if our hospital is popular here and successful, I hope the movement will spread to the mufassil. We are establishing a ward here to meet the demand in Lucknow where there is a very large population of dogs. That is the reason and I hope the House will extend its sympathy to this very deserving animal.

Lieut. Raja Durga Narayan Singh : First of all, I should congratulate the Government for making a provision to preserve the life of dogs. As just pointed out by Kunwar Jagdish Prasad Sahib, dogs are natural companions of those who favour them. I submit, Sir, that a large number of our true companions are dying without under going any treatment, and Government does not take proper care of them. Hence I think we should first take them into account. I am not at all surprised that we are neglected and dogs have been given preference over us. So I hope the Government and this Council will keep in mind that we are no better than dogs.

Mr. E. A. H. Blunt : Speaking as a dog-lover and not as Finance Secretary, I should like to point out one argument. When a dog which is suspected of rabies has bitten a human being, the Kasauli authorities want not only the human being but also the dog, so as to examine it and say whether it has got rabies or not. Not every dog that bites a human being is mad. I remember a case where a dog was sent up to Kasauli suspected of rabies; but it was found merely to have toothache. I admit that toothache may make one mad; but it does not give one hydrophobia. The point of that remark is this. You are going to start an anti-rabic centre at Lucknow. It seems therefore necessary that you should have some place at which to look after the dogs that are suspected of rabies, just as Kasauli people want suspected dogs to be sent to Kasauli.

Pandit Nanak Chand : I have not been convinced of the necessity of having this isolation ward. I have not so far been told that any Government official or any member on the opposite benches or any member on the non-official side has had the unpleasant experience of having received the attention of dogs suffering from rabies. I wanted to suggest that none of us here have received the attention of these dogs suffering from rabies; they have not injured anybody here. I recognize

[Pandit Nanak Chand.]

that dogs are good watchmen as suggested by the Education Secretary, but it has not been pointed out what arrangement they propose to make to concentrate all such dogs as require treatment at the headquarters of the Government and get such dogs transported here from the mufassil places in the various outlying districts. If this isolation ward is proposed simply for this town and for the humanitarian instincts of our friends like Mr. Blunt, then I would suggest that this sum of Rs. 4,500 is a paltry sum. If a fund for this purpose is started, I think all lovers of dogs will contribute to it liberally and they can have an isolation ward built without demanding a pie from the general tax-payer. We know that we want money for many urgent and more pressing requirements and after all this is a very unimportant item when we compare with it the needs of our province in other directions. I hope that the Government will not press this demand and I trust that they will withdraw it.

Hon'ble the President : Does the honourable member in charge of the department wish to speak ?

Hon'ble Thakur Rajendra Singh : No, Sir.

The motion was put and the Council divided as below :—

Ayes (6).

Rai Sahib Lala Jagdish Prasad.
Pandit Nanak Chand.
Lieut. Raja Durga Narayan Singh.

Rai Bahadur Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.
Rai Bahadur Thakur Mashal Singh.

Noes (34).

Hon'ble Sir Samuel O'Donnell.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Hon'ble Rai Rajeshwar Bali.
Hon'ble Thakur Rajendra Singh.
Hon'ble Nawab Muhammad Yusuf.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. P. H. Tillard.
Mr. H. A. Lauc.
Mr. R. L. Yorke.
Mr. E. Burn.
Mr. A. W. Pim.
Mr. B. J. K. Hollowes.
Mr. C. M. King.
Mr. H. G. Billson.

Mr. B. J. S. Dodd.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Raja Muhammad E'jaz Rasul Khan.
Mr. H. David.
Babu Khem Chand.
Raja Narayan Pratap Singh.
Rai Sahib Babu Dip Narayan Roy.
Mr. Muhammad Aslam Saifi.
Rao Sahib Abdul Hameed Khan.
Maulvi Muhammad Obaid-ur-Rahman Khan.
Saiyid Muhammad Ashiq Husain.
Khan Bahadur Hakim Mahbub Ali Khan.
Khan Bahadur Mr. Ashiq Husain Mirza.
Lieut. Raja Shaikh Imtiaz Rasul Khan.
Dr. Ganesh Prasad.

The motion was therefore negatived.

Motion No. 44.

Pandit Nanak Chand : I beg to move that the demand of Rs. 1,500 concerning Etah Mission poultry farm under "Veterinary charges" be omitted.

We find that this poultry farm has been more fortunate than we could expect, and I suppose the reason for this favourable treatment is that this farm is managed by a missionary body who know their business well as to how to approach the Government and get these grants. Some-time ago I brought to the notice of the Hon'ble Minister for Industries the question of giving grants to the Depressed Class Industrial Schools which have been approved by the Board of Industries. They had

applied for grants but the grants were not given to them in the budget and when I inquired from the Minister he was pleased to inform me that the application was not received in time to be incorporated in the schedules. I then requested him whether he would incorporate the demand in some subsequent supplementary estimate. I find from the supplementary estimate laid before us that no grant is proposed to be given to them. It is, I think, the duty of the Government to give its support in a more liberal spirit and not to put off the depressed classes which are managed by the people of their own faith. After all, this institution has been getting some liberal grant from the Government. It is meant for people who have been converted to Christianity, and I do not grudge anything which is given to them and which they deserve, but I do not share the views of the Hon'ble Minister to neglect the claims of the depressed classes in favour of those who have been converted to another religion. They should not be placed in a position of disadvantage. They deserve to be treated with liberality and with due consideration and no mere technicalities should stand in the way of their getting liberal grants and timely grants.

Mr. H. David : I was not at all surprised to find that my honourable friend Pandit Nanak Chand Sharma would take it into his head to object to this demand. In the first place anything connected with the Christian mission must rouse and stir up his feelings.

Pandit Nanak Chand : Not necessarily.

Mr. H. David : It has done in this case.

Pandit Nanak Chand : Because others were neglected.

Mr. H. David : The second reason is this. On account of certain scruples he cannot possibly appreciate and relish the food which the poultry farms and their product called "eggs" provide. I am glad that after all he felt that his remarks would be resented by the oppressed class of Christians who try to eke out their earnings by rearing fowls. After all it is due to the liberality and ingenuity of an American that this industry, if I may say so, has been created in that part of our province, and it helps to keep those rural Christians alive, who, I am glad to say, are found in large numbers in that district. That is an industry that has been newly created and, I am sorry to find, not by an Englishman but by an American. These Americans bring funds from their own country and help the Christians down in the scale of society in this country, and I think my honourable friend who has a large heart should not have thought it proper to object to this paltry sum of Rs. 1,500 only and that too non-recurring. Of course he has got some complaint. He wants a peg to hang his complaint on against the honourable ministers. Anyhow he should not have taken advantage of the poor Christians for bringing forward this complaint. I do oppose his motion.

Mr. B. J. K. Hallows : I should like to draw the attention of the House to the fact that, whereas the honourable member for Bulandshahr thinks that we ought to give more attention to the depressed classes, the ultimate object of this grant is the benefit of the depressed classes.

Pandit Nanak Chand : The Christian depressed classes, not the Hindu depressed classes.

Mr. B. J. K. Hallows : All the depressed classes. This has nothing whatever to do with religion. If any other organization did for the poultry industry of this province what Mr. Slater is doing, we should be equally willing to help, and will do so. But the honourable member is aware that poultry-breeding has not hitherto been regarded in this province or in any part of India as quite respectable. It has never been quite so low in popular estimation as pig-keeping, but at the same time it is not a profession which the Brahmin or Thakur will engage in. However, things are changing, and in the Government poultry farm at Lucknow we actually have two or three Brahmins who are learning poultry-keeping. At the same time the industry is still practised chiefly by the depressed classes, and the reason why we are helping Mr. Slater's mission is not because it has anything to do with religion but because it is perhaps the only organization of its kind in the province which is fostering this cottage industry which is carried on by the depressed classes. I am not aware if the House knows the history of the mission; but I do not intend to say more than a few words on its history. In 1912 the mission started this branch of work with the object of improving the breed of Indian fowls, and fostering that industry among the working classes, the depressed classes. They received a good deal of money from America, and by 1918 they were selling eggs and good class fowls to the depressed classes in sixty-five villages in the Etah district. The increase has proceeded steadily, and at the annual show this year one thousand exhibits of fowls were received from sweepers and other depressed classes in over a hundred villages. The *modus operandi* of Mr. Slater's farm is something as follows :—After careful experiment he decides the best breed of fowl for the Indian villager. It is necessarily a cross-breed in order that it may be more healthy. Pure-bred fowls live with difficulty in India, particularly when they are not fed, and Indian villagers, I believe, very rarely feed their fowls. But Mr. Slater has evolved a breed of fowl which will live on very little. It weighs exactly twice as much as the Indian fowl; it weighs six pounds to the other's three and its eggs are more than double the weight. This fowl sells for Rs. 2-8 instead of eight annas; and its eggs are worth twice as much as those of the country fowl. That means a very appreciable profit to the members of the depressed classes who keep those fowls. A good deal has been said from time to time in this Council about the need of a subsidiary industry which will enable agriculturists in times of famine to tide over their troubles. This, Sir, is a subsidiary industry. That is the reason why we give this support. Sir Harcourt Butler paid a good deal of attention from time to time to this particular organization and he remarked in 1919 : "It is practical improvements of this kind which constitute one of the greatest needs in India at the present time and are in themselves a most valuable form of education." As regards this particular grant we are now asking you to give it a non-recurring grant and the object is to tide over the difficulties which the farm experienced owing to the recent very heavy rains last month and in the beginning of this month when a great deal of the young stock which they were going to issue to villagers was ruined. I therefore ask your support for this proposal.

Pandit Nanak Chand : My object was not to say anything against the poultry farm or what it has achieved so far. My only grievance, which remains unanswered, was that the institutions run and managed by outside agencies who work mainly in the interests of proselytizing are more sympathetically treated than institutions run or proposed to be run under the control and guidance of the people of this land. I know, Sir, that the proposal to start two industrial schools, one at Hapur and the other at Khurja, were approved by the Board of Industries for the depressed classes and it was with reference to them that I asked the Minister as to what he intended to do and I was told that as their application did not come in time therefore he could not find money in the year 1926-27; and that he could not see his way to bring any supplementary demand in respect to them. I just want to know whether it is this type of attitude which will help the growing up of institutions for the depressed classes under the management of Hindu bodies. I expect that the Hon'ble Minister will give some satisfactory assurance and will back it up by some practical action to give help to such institutions as I have mentioned.

Hon'ble Thakur Rajendra Singh : My honourable friend Pandit Nanak Chand both in his opening and closing speech, referred to the depressed classes industrial school. Some two or three days ago, or more, there was a question and in reply to that question I said that when the schedules were passed then the application was received, however, it will be included in the budget for 1927-28. Pandit Nanak Chand asked in a supplementary question whether it was not possible to include it in this year's budget and I said—"no." I again assure the honourable member that in the schedules of 1927-28 provision will be made for this school.

Pandit Nanak Chand : And not in the supplementary estimates ?

Hon'ble Thakur Rajendra Singh : There is no provision in the supplementary estimates.

It will receive our best consideration, and I have already given an assurance that it will be included in the schedules for 1927-28.

Hon'ble the President : The question is that the demand of Rs. 15,000 concerning the Etah Mission poultry farm be omitted.

The motion was negatived.

* **Motion No. 45**—Not moved.

Motion No. 46.

Rai Sahib Lala Jagdish Prasad : I move that the demand of Rs. 4,000 for fencing the compound of the Veterinary Adviser's office be reduced by Rs. 2,000.

It appears to me, Sir, that it is sheer waste of money to spend Rs. 4,000 on fencing the compound of the Veterinary Adviser's office. I hope Government will find some other way of fencing the compound at smaller cost. So I move that this out of Rs. 2,000 be made and I hope the motion will be accepted by Government.

Mr. B. J. K. Hallows : The first estimate that was sent to us for this compound wall round the Badshahbagh Research station was for

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Rs. 6,200. But we ourselves, haunted by the dark shadow of the Finance Secretary, considered it rather an excessive price for a wall. Consequently, under the direction of the Hon'ble Minister, I went to the spot and made inquiries. I consulted the Veterinary Adviser as to whether the estimate could be reduced, and the result was that we have already made a cut of Rs. 2,000 on the first estimate.

The necessity of a wall is as follows. The Research station consists of offices, hospitals for animals, laboratories, insolation wards for cattle, and all the mechanism of a veterinary hospital and a headquarters research station. A part of this has no wall whatever round it; a part of it has a fence. This fence consists of wire passed through wooden posts. Now, the wooden posts have been gradually eaten away by white-ants, and people come in at night and remove what is left. We do not want that this provision should be an indirect means of supplying firewood to the depressed classes. Consequently we are proposing that the wire should now be put in stone pillars. This will cost Rs. 4,000. I cannot conceive of any cheaper way in which we could fence the station. Fencing is an additional necessity for this reason. There are fodder crops, vegetable gardens for the use of diseased cattle in the hospital. People occasionally drive in their cattle at night to get the benefit of free food. It is important to stop these constant losses. We have cut down the estimate, and I think it is impossible to cut it down any further.

Rai Sahib Lala Jagdish Prasad : I beg to withdrawn the motion.

The motion was, by leave of the Council, withdrawn.

Hon'ble the President : The question is that the demand of Rs. 96,498 under the head Agriculture be granted.

The demand was voted.

Demand No. 7.

HEADS 8 AND 8A—FORESTS.

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head 8 and 8A—Forests a sum of Rs. 5,000 be provided and I move that this sum be voted.

The demand was put and voted.

Demand No. 8.

HEAD 25—JAILS AND CONVICT SETTLEMENTS.

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head 25—Jails and Convict Settlements a sum of Rs. 48,082 be provided and I move that this sum be voted.

Motions Nos. 47 and 48—Not moved.

The demand was put and voted.

Demand No. 9.

HEAD 10—IRRIGATION—REVENUE EXPENDITURE.

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head

Irrigation revenue expenditure a sum of Rs. 48,020 be provided and to move that this sum be voted.

Motion No. 49.

Pandit Nanak Chand : I beg to move that the demand concerning ziladars be reduced by Re. 1. Since Government proposes to revise the pay of these ziladars and since it compares more favourably with the old rate of pay, I would just like to inquire from the Government as to what steps they propose to take with a view to ensure better recruitment of these ziladars in future. I hope that if the Government have not so far given their attention to the introduction of competitive examination system for the recruitment of these officers, they will kindly give due consideration to it.

Hon'ble Sir Samuel O'Donnell : At present, Sir, ziladars are entirely recruited from the amins and I think it must continue to be so recruited because we want experienced men for this work. I think it will be a mistake to start competitive examination for the recruitment of outsiders for such posts. The post essentially requires a man who understands the Irrigation department and its working.

Pandit Nanak Chand : I do not want to press the motion.

The motion was, by leave of the Council, withdrawn.

Demand No. 6.

HEAD 34—AGRICULTURE, II—VETERINARY CHARGES.

Hon'ble the President : My attention has been drawn to the fact that I put to vote only the first part of the agriculture demand. The second part has to be put to the House and I put it now. The question is that under " Veterinary charges " a sum of Rs. 31,846 be voted.

The demand was put and voted.

Demand No. 10.

HEAD 26—POLICE.

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head Police a sum of Rs. 58,337 be provided and to move that this sum be voted.

Motion No. 50.

Pandit Nanak Chand : I beg to move that the demand concerning A class allowances under " 26—Police " be reduced by Re. 1.

I think, Sir, that Rs. 11 as it is printed in the agenda is a misprint. I wish to inquire from the Inspector-General of Police the number of A class allowances which are given to literate constables and the number of such allowances given to illiterate constables. I think that these allowances were meant mainly to encourage the recruitment of literate constables, and I hope that their number will not be seriously curtailed by giving them to constables on the ground of special detective abilities or on the ground of long record of service. I know that it is very desirable to encourage detective qualifications among constables, but it is a qualification which might be misjudged by the officers. And mere length or record of service is not a qualification to entitle a

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man for these special allowances. Of course I do not mean to say that in very special cases these allowances should not be given for special detective qualifications if there are any fit and deserving cases among the ranks of constables. But the ground of long record of service is so very vague that it might defeat the object for which these special A class allowances are meant, viz., to encourage recruitment from among literates.

Mr. R. J. S. Dodd : The Civil Police Committee, in order to encourage the admission of literate constables, suggested that 5,255 constables should receive the special allowance and that 5 per cent. of the total force should be permitted to draw it on account of detective ability or long and honourable service. They also intended that there should be no restriction to the enlistment of literate constables. The Government accepted these proposals, the idea being that in course of time the whole force would be literate. We have now reached a stage when we have got 350 fully qualified literate men, and they cannot draw the allowance as there is no provision for it, and that is the reason for this demand. I can assure the honourable member that we do not intend to add any more men to our list of detectives and long service men who get this allowance.

The motion was, by leave of the Council, withdrawn.

Motion No. 51.

Pandit Nanak Chand : I beg to move that the demand of Rs. 2,640 for raising the conveyance allowance of inspectors be omitted.

It is proposed to raise the allowance for reserve and divisional railway inspectors and to bring it into line with that drawn by prosecuting inspectors. Now, the prosecuting inspectors have to live generally at the headquarters of the districts and have to attend the court every day, and hence they get the conveyance allowance. The reserve inspectors, on the other hand, have to remain in the police lines and do not perform such duties as would make it obligatory on them to go about in the district. It is quite a different matter if now and again they have to attend the office of the superintendent of police, which is usually quite close to the police lines. The reserve inspectors, so far as I know, already draw an allowance of Rs. 15 a month, and there seems to be no justification why it should be brought on a par with the allowance drawn by prosecuting inspectors. Now, take the case of divisional inspectors. I admit that these gentlemen have constantly to move about, but generally they travel by rail, except when they have to appear in court for evidence or to visit a police station for the purpose of making an investigation. In any case, the allowance of Rs. 15 per mensem is sufficient, and I see no reason why it should be increased. In the circumstances I trust the Inspector-General of Police will see his way to withdraw the demand of Rs. 2,640.

Motion No. 52.

Rai Sahib Lala Jagdish Prasad : I beg to move that the demand concerning the conveyance allowance of inspectors under " District executive force " be reduced by Rs. 1,320.

Hon'ble the President : Is this motion by way of an amendment to the motion already moved ?

Rai Sahib Lala Jagdish Prasad : Yes, Sir. From the memorandum I find that railway inspectors work in areas comprising several districts, so in their case I think there may be some justification for raising the conveyance allowance. As to the reserve inspectors, the memorandum says that they have to live at headquarters, and therefore in their case I do not see why an increase in conveyance allowance should be given. The object of my motion is that the reserve inspectors should not get an increase in their conveyance allowance.

Mr. R. J. S. Dodd : There is a certain force in the arguments of both the honourable members, because I see that by mistake it is said in this blue-book that it is proposed to remove the differentiation by degrees, which would imply that the intention of the Government is to give this conveyance allowance to all reserve inspectors in time. This is not the intention. It is proposed to give this allowance to divisional inspectors attached to railways, because all of them live at big and important stations and have to travel to five or six districts where it is their duty to visit the local authorities and to make investigations. As regards the reserve inspectors, the matter has been gone into very closely. Apart from the fact that they have to go to the police office, to the police lines or to the superintendent's bungalow, in certain large cities, it is necessary for these inspectors to do a considerable amount of travelling. They have to make investigations and on the occasion of ceremonies and other police arrangements they have to be continually travelling. As a matter of fact Rs. 25 would in no way cover their actual expenses. In a small district Rs. 15 is ample. It was therefore decided to select districts in which inspectors should get the enhanced allowance. After a close examination by my predecessor, he decided that in the districts of Dehra Dun, Meerut, Muttra Agra, Bareilly, Farrukhabad, Cawnpore, Allahabad, Jhansi, Benares, Lucknow, and Naini Tal the reserve inspectors should get the enhanced allowance. I think the honourable members who know those stations will agree that this is not an exorbitant demand.

The motion was, by leave of the Council, withdrawn, the amendment falling with it.

Motion No. 53.

Pandit Nanak Chand : I move that the demand of Rs. 1,100 concerning local allowance to inspectors in certain cities be omitted. The statement which is given in the memo. reads as follows : "In accordance with the Civil Police Committee's proposals local allowances of Rs. 50 and Rs. 25 per mensem were sanctioned for the inspectors of certain important cities. The higher rate is drawn at Allahabad, Cawnpore, Lucknow and Agra; and the lower rate at Meerut, Bareilly, Jhansi and Benares. All the eight districts are first class districts, and the duties of inspectors drawing the lower rate are no less responsible than those of the officers drawing the higher rate. It is proposed to make the allowance Rs. 50 per mensem for all eight places." I understand that the duties of inspectors, whether they are attached to any of these eight important places or to less important or rather unimportant places, are equally responsible. It was not on this account that allowances were fixed at different scales, but because of the population and of the large number of cases which inspectors had to decide. The conditions of living in Meerut, Bareilly, Jhansi and Benares are very

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much different from those in Allahabad, Cawnpore, Lucknow and Agra. I think therefore that the allowances should remain as they are, because otherwise there will be a clamour for the introduction of a smaller amount of allowance in other less important districts. They might say that since the inspectors of the eight important districts are getting Rs. 50, the less important districts might be given an allowance of Rs. 25 at least. This demand will, however, not stop where it is. I do not feel convinced that any case has been made out for raising the amount in the four cities of Meerut, Bareilly, Jhansi and Benares.

Mr. R. J. S. Dodd : To start with, I may assure the honourable mover that I shall not put forward any proposals for increasing the allowances at other places. This proposal has been put forward in order to bring the two allowances into line and give a very deserving body of men the compensation they deserve for the arduous duties which they have to perform in those stations. I may say that city inspectors in those places draw an allowance of Rs. 50 per month. In Benares actually the city inspector draws an allowance of Rs. 50. In Jhansi there is no city inspector but, on the other hand, the work of the reserve inspector is very heavy owing to the large cantonment. In Meerut and Bareilly we proposed that inspectors should draw the same allowance of Rs. 50 per mensem as reserve inspectors. The question has been very closely looked into, and there is very little difference between the work of city inspectors and reserve inspectors of these two places and of the other cities where the allowance is drawn. I find, however that the Finance department have taken out the allowances in respect to these two city inspectors, as they would draw a larger allowance in connexion with the scheme which was mentioned in the Council last week regarding the change of the status of kotwals of these places from inspectors to deputy superintendents. It was proposed also to give them the same Rs. 50 allowance, but actually when they become deputy superintendents they will receive Rs. 50 allowance and Rs. 40 allowance in addition for keeping a motor. So actually there is no real differentiation between the reserve inspectors and the circle inspectors. Again, the fact will be realized that when the clerical staff allowances of these cities were drawn up exactly the same rates were fixed for all these cities. It is not for me to go into the principle of these special allowances, but they are given because these posts have added responsibilities and, as I said just now; on the other motion; there is a lot of extra work which these inspectors have to perform in those cities.

Pandit Nanak Chand : I regret to have to say that I do not feel convinced by the remarks of the Inspector-General of Police and I do not see my way to withdraw the motion.

The motion was put and negatived.

Motions Nos. 55 and 54—Not moved.

The demand, as framed, was put and voted.

Demand No. 11.

HEAD 35—INDUSTRIES.

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council that under the head Industries the sum of Rs. 84,186 be provided and to move that this sum be voted.

Motions Nos. 56 to 58—Not moved.*The demand was put and voted.***Demand No. 12.****HEAD 47—MISCELLANEOUS.**

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head Miscellaneous the sum of Rs. 72 be provided and to move that this sum be voted.

*The demand was put and voted.***Demand No. 13.****HEAD 22—GENERAL ADMINISTRATION.**

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head General Administration the sum of Rs. 68,767 be provided and to move that this sum be voted.

Motions Nos. 59 to 62—Not moved.*The demand was put and voted.***Demand No. 14.****HEAD 5—LAND REVENUE.**

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head Land Revenue a sum of Rs. 12,592 be provided and to move that this sum be voted.

Motion No 63—Not moved.*The demand was put and voted.***Demand No. 15.****COMMUTED PENSIONS.**

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head Payment of commuted value of pensions a sum of Rs. 1,90,000 be provided and to move that this sum be voted.

*The demand was put and voted.***Supplementary estimates—(Second instalment).****Demand No 1.****HEAD 41—CIVIL WORKS.**

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head Civil Works (works outlay) a sum of Rs. 65,000 be provided and to move that this sum be voted.

*The demand was put and voted.***Demand No. 2****CHARGES ON PUBLIC WORKS ESTABLISHMENT.**

Hon'ble Sir Samuel O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head Charges on Public Works establishment a sum of Rs. 13,365 be provided and to move that this sum be voted.

*The demand was put and voted.**The Council was then adjourned till April 6, 1926.*

APPENDIX* A.

(See page 3 *supra*.)MEASURES ADOPTED AGAINST ~~PLAGUE~~^{PLAGUE}.

THE chief preventive measures adopted within the last two years in checking recrudescence or increase of plague in these provinces have been two, namely, inoculation by anti-plague vaccine of all persons wishing the same throughout the province and evacuation of infected sites.

Inoculation work has been carried out by all officers of the Public Health and Medical departments and both at fixed dispensaries and travelling dispensaries. A special district health staff has been introduced in sixteen of the worst infected districts, and their duties are largely concerned with inoculation work and propaganda work during the plague season. Special health officers have also been engaged in this work during the plague season. This, the most important measure in controlling plague at our disposal, has, however, been greatly hampered by the apathy and indifference of the people, particularly in rural areas.

62,615 inoculations were performed during the year 1924 and 45,430 in 1925 by different agencies.

Propaganda work has also been carried out by all officers of the Public Health department.

The Public Health department, through the district magistrates, gave grants for anti-plague measures which were chiefly construction of huts for people in infected towns and villages and for isolation of actual cases, and the payment of special staffs, e.g., chaukidars, etc., for protection of property.

Money was also given to the civil surgeons to meet the cost of medicines, travelling allowance, and contingencies of medical officers deputed on plague duty.

Demobilized district board travelling dispensaries have been reopened where required at the cost of Government to tour in infected localities. These are, in addition to the regular Public Health travelling dispensaries, 36 in number, permanently maintained by Government.

The Hygiene Publicity Bureau distributed posters on plague through district boards and magic lantern demonstrations were given by special health officers, and medical officers in charge of travelling dispensaries throughout the year.

The plague incidence in this province and in most of India has shown a great decline within recent years, and is in no way comparable to the figures of the last decade. It is therefore not correct to talk about recrudescence or increase of plague in these provinces, at a time when there is a general decline throughout the province.

APPENDIX B.

(See page 8 *supra*.)

*Statement referred to in the answer to starred question No. 32
for April 1, 1926.*

Number of recommendation.	Nature of recommendation.	Action taken.
248	Substitution of six months for one year in the remission rules.	Para. 1211 (2) (a) of the Jail Manual was amended in consonance with this recommendation by G. O. No. 427-J./VI—1278 of February 22, 1924.
269	Discretion of superintendent to allow interviews and letters.	Chapter XL of the Jail Manual has been entirely revised to give effect to this recommendation.
276	Reading arrangements for female prisoners.	It has not been possible to give general effect to this recommendation, as at present there are no adequate libraries in jails. Rupees 3,000 have been voted by the Council this year for the purchase of books for the use of prisoners.
279	Provision of religious and moral instruction.	Discretion has been given to district magistrates in consultation with superintendents to admit approved voluntary workers as religious teachers in jails, and orders to this effect were issued on April 7, 1925.
281 and 282	Admission of ministers other than ministers provided by the State.	This is covered by the orders issued to give effect to para. 279.
289	The committee recommends— (a) Reduction of rice issued (b) Grain ration should not exceed 20 ounces. (c) Dal ration should not exceed 5 or 4 ounces. (d) Vegetable ration should be raised to 8 ounces. (e) Dietaries should be expressed in pounds and ounces.	Of these recommendations the only one accepted by Government was (c). The quantity of dal prescribed in the dietary scales is one chhitak a day.
290	Variety in jail dietary	The Inspector-General has been directed to secure as much variety as is feasible.
292	No supply of vegetables to staff when vegetables have to be purchased.	This has been brought to the notice of the Inspector-General, but in this province the need to purchase vegetables seldom, if ever, arises.
295	Place for feeding prisoners	No special yards have been provided, but prisoners are fed inside their barracks in inclement weather.
453	Revision of sentences of long-term prisoners.	Revision on the lines suggested by the committee is made in every central prison at six months' intervals by a committee consisting of the district judge, the Inspector-General of Prisons, and a non-official member.
465	Books and newspapers for civil prisoners.	Rupees 3,000 have been voted by the Council for the purchase of books in order to give effect to this recommendation.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Tuesday, April 6, 1926.

THE Council met in the Council Chamber, Lucknow, at 11 a.m.,
Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT :

(55)

Hon'ble Sir Samuel O'Donnell.	Lala Babu Lal.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.	Rai Bahadur Babu Ram Nath Bhargava.
Hon'ble Rai Rajeshwar Bali.	Pandit Brijnandan Prasad Misra.
Hon'ble Thakur Rajendra Singh.	Raja Narayan Pratap Singh.
Hon'ble Nawab Muhammad Yusuf.	Raja Sri Krishna Dutt Dube.
Mr. G. B. Lambert.	Rai Sahib Babu Dip Narayan Roy.
Mr. E. A. H. Blunt.	Rai Bahadur Thakur Hanumar Singh.
Kunwar Jagdish Prasad.	Shya Hanumat Prasad Singh.
Mr. G. B. F. Muir.	Rai Bahadur Thakur Mashal Singh.
Mr. P. H. Tillard.	Mr. Muhammad Aslam Saifi.
Mr. H. A. Lane.	Rao Sahib Abdul Hameed Khan.
Mr. R. L. Yorke.	Khan Bahadur Chaudhri Amir Hasan Khan.
Mr. R. Burn.	Khan Bahadur Hafiz Hidayat Husain.
Mr. A. W. Pim.	Hban Bahadur Shaikh Masud-uz-Zaman.
Mr. B. J. K. Hallowes.	Maulvi Abdul Hakim.
Mr. C. M. King.	Saiyid Muhammad Ashiq Husain.
Mr. H. G. Billson.	Khan Bahadur Maulvi Fasih-ud-din.
Mr. R. J. S. Dodd.	Khan Bahadur Mr. Ashiq Husain Mirza.
Colonel A. W. R. Oochrane.	Khan Bahadur Munshi Siddiq Ahmad.
Mr. A. H. Mackenzie.	Raja Saiyid Ahmad Ali Khan Alvi.
Mr. G. Clarke.	Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Raja Muhammad E'jaz Rasul Khan.	Mr. St. George H. S. Jackson.
Raja Bahadur Brij Narayan Rai.	Rai Bahadur Lala Mathura Prasad Mehrotra.
Mr. H. David.	Raja Shambhu Dayal.
Babu Khem Chand.	Lieut. Raja Shaikh Imtiaz Rasul Khan.
2nd Lieut. Chaudhri Balwant Singh.	Dr. Ganesh Prasad.
Rai Sahib Lala Jagdish Prasad.	
Rai Sahib Chaudhri Sheoraj Singh.	
Pandit Nanak Chand.	

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

RESOLUTION re PROCEEDINGS UNDER SECTION 110, CRIMINAL PROCEDURE CODE.

*1. **Rai Sahib Lala Jagdish Prasad:** Will the Government be pleased to state what decision the Government has arrived at in the matter of giving effect to the resolution moved by Rai Bahadur Lala Sita Ram and adopted by the Council on January 30, 1924, regarding the discontinuance of the practice of previously obtaining the opinion of trying magistrates in cases under section 110, Criminal Procedure Code?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: The principle has been accepted, and the Police Regulations, which are under revision, will contain a paragraph giving effect to this decision.

OSRABANDI ON THE EASTERN JUMNA CANAL.

*2. **Rai Sahib Lala Jagdish Prasad** : Is it a fact that on the Eastern Jumna Canal, where transfer of a part of the land owned by one owner to another subsequent to the introduction of the *osrabandi* in force necessitates alterations in the *osra* of the parties concerned, a fresh *osrabandi* is not effected even on the application of the aggrieved party ?

Hon'ble Sir Samuel O'Donnell : Yes, under the existing law. The question of amending this is under consideration.

*3 to 8. **Babu Jai Narayan Chaudhri** : [*Postponed till the first day of the next session of the Council.*]

*9 to 13. **Dr. Shafa'at Ahmad Khan** : [*Postponed till the first day of the next session of the Council.*]

*14. **Saiyid Muhammad Ashiq Husain** : [*Postponed till the next session of the Council.*]

RECRUITMENT FOR INDIAN POLICE SERVICE.

*15. **Saiyid Muhammad Ashiq Husain** : (a) Will the Government be pleased to state the number of candidates recruited for the Indian Police Service during the last three years ?

(b) How many of them are Europeans, Muhammadans and Hindus respectively ?

(c) Is it a fact that the Government is going to fix a minimum number of Hindus and Muhammadans to be taken annually ?

Hon'ble Sir Samuel O'Donnell : (a) Fifteen, if the honourable member refers only to direct recruits. Four Provincial Service officers were also promoted to the Indian Police Service during these years (1923—1925).

(b) Of the direct recruits ten were Europeans, four Hindus and one Muslim. Another Muslim will probably be appointed as a result of the examination held in November, 1925. Of the officers promoted from the Provincial Service two were Hindus and two Muslims.

(c) The number of recruits is fixed each year by the Secretary of State on consideration of the actual state of the cadre.

PREDOMINANCE OF BENGALIS IN ACCOUNTANT-GENERAL'S OFFICE.

*16. **Saiyid Muhammad Ashiq Husain** : (a) Will the Government be pleased to state the number of Bengali Hindus, non-Bengali Hindus and Muhammadan clerks in the Accountant-General's office, Allahabad ?

(b) If the number of Bengalis predominates, will the Government be pleased to state the particular reasons for it ?

Hon'ble Sir Samuel O'Donnell : As a result of the new scheme of separation of accounts and audit, the Accountant-General has ceased to exist with effect from April 1, 1926. He is now entitled the Director of Audit, and the Finance Secretary to this Government has become the Chief Accounting Officer. The former Accountant-General's office has also been broken up. But the two branches are still under the Central Government, for whom in respect of the Accounts branch the United Provinces Government act as agent : and a question of this kind should, therefore, be put in the Legislative Assembly.

DAILY ALLOWANCE TO SUB-DEPUTY INSPECTORS OF SCHOOLS.

***17. Saiyid Muhammad Ashiq Husain :** (a) Is it a fact that in 1921 the sub-deputy inspectors of schools were given special rates of daily allowance?

(b) Is it a fact that now they have been excluded from the list of officers getting special rates?

(c) Will the Government be pleased to state what new facilities have been granted to these officers regarding tour that special rates of daily allowance are not considered now necessary for them?

***18.** Is the Government prepared to give to the sub-deputy inspectors of schools special rates of daily allowance as are given to other touring officers in the Excise, Canal and other departments?

Hon'ble Rai Rajeshwar Bali : The honourable member is referred to the answers given to unstarred questions Nos. 11 and 12 on December 18, 1925. The Government examined the matter and came to the conclusion that the new rates are on the whole fairer than the old special rates, and therefore do not propose to take any further action in the matter

(Copy of unstarred questions Nos. 11 and 12 asked on December 18, 1925, and the replies given thereto.)

QUESTION.

11. Is it a fact that before the revision of the travelling allowance rules the sub-deputy inspectors of schools were entitled to special rates of daily allowance?

REPLY.

Yes.

QUESTION.

12. Will the Government be pleased to state why they have now been excluded from the list?

REPLY.

The new travelling allowance rules do not admit of special rates for the district inspecting staff: the question is being examined.

MONEY BORROWED BY GOVERNMENT.

***19. Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to supply the Council with a statement of the nature and amount of the money they have borrowed in the tabulated form below?

(1) The advances obtained from the Government of India after the reform to the present day.

(2) The interest they are paying on all the advances they have obtained from the Government of India.

(3) What part of this has been spent and what part has been eaten up?

(4) The advances obtained from the Government of India for purposes other than irrigation projects. How much of this has been spent, and how much unspent? What interest are they paying to the Government of India for this purpose?

(5) The total amount borrowed for irrigation projects to the present day. What interest are they paying now on the irrigation debt?

(6) The total amount that is unspent out of the United Provinces Development Loan. What interest are they paying on this loan?

(7) As the debt is to be repaid by 1941, will the Government be pleased to state if they contemplate establishing a sinking fund to pay off the capital? If so, what amount will be earmarked for the purpose every year?

- (8) The total amount they have borrowed or contemplate borrowing for reconstruction of provincial roads and repair of police buildings. What interest are they paying on this amount, and what amount will they set apart every year as a sinking fund?
- (9) What amount will they set apart every year as a sinking fund so that the total irrigation debt, the post-reform and pre-reform advances from the Government of India may be paid off within 50 years?
- (10) Total amount that is to be paid as interest on all of the advances mentioned above, and the total amount that Government will have to earmark every year in order that a sinking fund for all of the above advances may be established.

Hon'ble Sir Samuel O'Donnell: It is impossible to answer this question in the form that the honourable member suggests, and I adopt my own form.

- (1) The details are given in the statement laid on the table.
- (2) The rates of interest are given in the statement.

(See Appendix A, page 548.)

The amount of interest payable on these advances in 1926-27 is 26,84,.

(3) No part of these advances has been "eaten up." On March 31, 1926 a sum of 27,37, was still unexpended, but will be spent in 1926-27. The borrowings for that year have been reduced accordingly.

(4) The advances are given in the statement, with the rates of interest thereon. The amount of interest payable on these advances in 1926-27 is 6,87,. A sum of 2,43, was unspent on March 31, 1926, which is included in the figure of 27,37, mentioned above.

(5) Previous to the reforms, the Government of India had spent on irrigation projects in the United Provinces a sum of 12,19,45,. With the reforms, the province took this sum over as a debt under Devolution Rule 24. The sum borrowed after the reforms for irrigation projects is 4,36,39,; the total amount borrowed for irrigation is, therefore, 16,55,84,. The interest payable on this sum is 61,49,. But as in 1921-22 and 1922-23 the Sarda projects were financed from the United Provinces Development Loan, a part of the interest on that loan is also debitable to irrigation. This amount is 12,10, and the total interest then becomes 73,59,.

(6) The amount of the United Provinces Development Loan that will remain unspent on March 31, 1927 will be 90,76, on present estimates. The rate of interest is 6 per cent. The total interest and other debt charges is 27,56, minus 12,10, debited to irrigation or 15,46,.

(7) There has always been a sinking fund for the loan from the very beginning. Three lakhs have been appropriated to it annually for the past five years. The prospectus lays down that after this period the annual appropriation to the sinking fund must be 1/15th of the balance still outstanding. As the appropriations to the sinking fund are invested annually, and the interest on such investments as it accrues is also invested, the amount required will diminish annually. For instance, at the end of 1926-27 the sinking fund will stand not at 15 lakhs but at 16½ lakhs round. It is indeed probable that by 1938-39 the sinking fund will be completed by this method, though the loan determines two years later.

(8) The total amount borrowed for the purposes mentioned can be obtained from the statement. It is not possible to state the amount of interest due on the advances taken for these two purposes, as they form part of one single loan for unproductive purposes, generally, and the interest is calculated on the whole amount. According to the existing programmes, the sums still required are 94,06, and 67,29, for road reconstruction and police buildings. It is impossible to say what interest will be charged on future borrowings.

(9) As regards pre-reform irrigation debt, the question of a sinking fund does not arise. This is debt of the type known as "permanent," which is repayable at the option of the borrower. Government will only repay when and to the extent that is convenient and profitable. Apart from the question of convenience, it will never be profitable to repay this debt till other debt carrying a higher rate of interest has been repaid, or until it is possible to borrow fresh money at a lower rate; and as the rate of interest on this pre-reform irrigation debt is approximately $3\frac{1}{2}$ per cent., the question of payment is not likely to arise for some years.

As regards post-reform advances of all kinds, these are being already repaid by the method of equated instalments of principal and interest. By this method the total debt charges (repayment of principal plus interest) remains the same throughout the period fixed for repayment, but the amount credited to principal gradually increases, whilst the amount credited to interest gradually decreases. No question of creating a sinking fund therefore arises. The equated instalments for the advances taken between 1923-24 and 1924-25 inclusive payable in 1926-27 amount to 27,30,. Of this 26,84, is interest. It is impossible to say what the equated instalments on any later advances will be, since they depend on the rate of interest and the amount of the advances, neither of which is yet known.

* 20. **Dr. Shafa'at Ahmad Khan :** [*Postponed till the first day of the next session of the Council.*]

SPECIAL CLASS FOR HONORARY MAGISTRATES IN MORADABAD.

* 21. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if they have decided to establish a special class for honorary magistrates in Moradabad?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Government do not intend to establish a special training class for honorary magistrates at Moradabad. Honorary magistrates are already encouraged to attend the ordinary classes held there when vacancies exist.

DEPUTY COLLECTORS TRAINING SCHOOL.

* 22. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if they intend providing a permanent habitation for the Deputy Collectors training school?

Hon'ble Sir Samuel O'Donnell : Government understand that the provincial training officer has some such idea in mind. If proposals are received they will be considered.

MUNSHIFSHIP EXAMINATION.

* 23. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if any examination for munsifship was held this year?

Hon'ble Sir Samuel O'Donnell : Yes, the Allahabad High Court held an examination on March 27.

* 24. **Dr. Shafa'at Ahmad Khan :** Is the Government aware that there is dissatisfaction with the way in which this examination has been conducted?

Hon'ble Sir Samuel O'Donnell : No.

* 25. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state—

- (1) the number of subjects in which candidates were examined;
- (2) the duration of each paper;
- (3) the number of candidates that sat for the examination this year and last year;
- (4) the number of candidates that passed?

Hon'ble Sir Samuel O'Donnell : (1) A test paper is set with a view to discover the capacity of candidates to discuss and express themselves on questions such as generally arise in the decision of suits, and on the result of this test the selection board determine who shall be called upon for interview. After interview and the consideration of their qualifications final selections are made.

(2) Only one test paper is set and the time allowed is from five to six hours according to the nature of the paper.

(3) 118 in 1925 and 121 in 1926.

(4) In 1925 fifteen candidates who were at the top of the list were summoned for interview and final selections were made out of them. The results of this year's examination are not yet known.

ABOLITION OF DIVISIONAL SUPERINTENDENTS IN PUBLIC WORKS DEPARTMENT.

* 26. **Dr. Shafa'at Ahmad Khan :** Is it a fact that the Government had decided to abolish the divisional superintendents in the Public Works department?

* 27. Is it a fact that orders had been issued to this effect by the Government?

Hon'ble Nawab Muhammad Yusuf : In view of the recommendations made by the Public Works Committee of 1922, Government are in correspondence with the Government of India regarding the executive cadre of the Public Works department, Buildings and Roads branch, but as no definite conclusion has yet been arrived at, Government are not in a position to make any definite announcement for the present.

* 28. **Dr. Shafa'at Ahmad Khan :** Is it a fact that some of the officers of the Public Works department made a strong representation to the Secretary of State and personally saw him in London?

Hon'ble Nawab Muhammad Yusuf : (a) Yes.

(b) Government have no information on the subject.

* 29. **Dr. Shafa'at Ahmad Khan :** Is it a fact that the Secretary of State compelled the Local Government to re-establish the posts of divisional superintendents?

Hon'ble Nawab Muhammad Yusuf : No divisions have been re opened.

* 30. **Dr. Shafa'at Ahmad Khan** : Is it a fact that the Government have now re-appointed officers to the posts of divisional superintendents in the Public Works department ?

* 31. Is it a fact that the Government thought at the time of the abolition of these posts that there was not sufficient work for them ? Will the Government be pleased to state what kind of work will be created or specially made for the divisional superintendents in the Public Works department ?

Hon'ble Nawab Muhammad Yusuf : The honourable member is referred to the answer given to question No. 29 of today's date.

COMPULSORY EDUCATION IN AMROHA MUNICIPALITY.

* 32. **Dr. Shafa'at Ahmad Khan** : Is the Government aware that the Amroha municipal board has passed a resolution in favour of the introduction of compulsory education in the municipal areas ?

Hon'ble Rai Rajeshwar Bali : No.

GRANTS TO SECONDARY SCHOOLS.

* 33. **Khan Bahadur Hafiz Hidayat Husain** : What is the amount of grants under all heads given to secondary schools of these provinces during the year 1925-26 ? How much out of this was given to purely Muslim managed institutions and how much to purely Hindu managed institutions ?

Will the Government be pleased to give details and the classification of headings under which the grants were given ?

Hon'ble Rai Rajeshwar Bali : (1) Rupees 16,53,225, of which Rs. 9,25,721 were sanctioned for Hindu-managed institutions and Rs. 2,21,326 for Muslim.

(2) A statement is laid on the table of the honourable member.

(See Appendix B, page 549.)

RECOMMENDATIONS OF THE LEE COMMISSION.

* 34. **Khan Bahadur Hafiz Hidayat Husain** : Have all the recommendations of the Lee Commission particularly relating to long leave and house rent regarding the higher services been carried out in these provinces ? When were the recommendations of this Government about the Provincial Service officers of non-Asiatic domicile submitted to the Government of India ? When are orders expected on these recommendations ?

Has the Lee Commission recommended that 20 per cent. of the higher posts should go to Provincial Service officers ? What action has been taken on this recommendation ?

Hon'ble Sir Samuel O'Donnell : Many, but not all, of the recommendations have been carried out. The Commission made no recommendations regarding leave. The orders about house rent were published in the press last month and will be carried out in due course.

This Government's recommendations regarding Provincial Service officers of non-Asiatic domicile were submitted in October, 1924. It is not possible to say when the Secretary of State's orders will be received.

The recommendations of the Lee Commission are embodied in their published report to which the honourable member is referred. The Government have forwarded proposals for carrying out these recommendations.

AGE LIMIT FOR MUKHTARSHIP EXAMINATION.

*35. **Khan Bahadur Hafiz Hidayat Hussain :** (a) Is there any age limit for the Mukhtarship examination in these provinces? Is there any such limit for the Vakil and Pleaders examination?

(b) Have any recommendations been made to Government to reduce the age limit for Mukhtars' examinations? What action does the Government propose to take to remove this age limit? From what year will this limit be removed?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Candidates for the Mukhtarship examination must be not less than 20 and not more than 30 years of age. There is no limit of age for any other legal examination.

(b) Representations have been made. In view of the fact that the Mukhtarship examination is shortly to be abolished Government do not propose to take any action with regard to them.

*36. **Dr. Ganesh Prasad :** [*Withdrawn by the honourable member.*]

SUPERVISOR QANUNGOS.

*37. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state how many patwaris, if any, were promoted to the post of supervisor qanungo last year?

Hon'ble Sir Samuel O'Donnell : The honourable member is referred to paragraphs 5 and 10 of the report on the administration of the Land Records department for the year ending September, 1925.

*38. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state the existing rates of pay of supervisor qanungos?

Hon'ble Sir Samuel O'Donnell : The honourable member is referred to the answer to starred question No. 117 at the Council meeting of December 23, 1925.

(Copy of starred question No. 117 and its answer given on December 23, 1925, referred to in the answer to starred question No. 88 for April 6, 1926.)

QUESTION.

*What are the grades of the pay of qanungos?

ANSWER.

*A statement giving the grades of pay is laid on the table.

					Rs.
Supervisor qanungos, 1st grade	..	..	..	..	80
" " 2nd "	..	..	..	..	70
" " 3rd "	..	..	..	..	60
Registrar qanungos	..	..	..	..	60
Assistant registrar qanungos, 1st grade	..	..	..	..	40
" " 2nd "	..	..	..	..	35

*39. **Dr. Shafa'at Ahmad Khan :** Is it a fact that supervisor qanungos are obliged to keep a horse, so that they may tour round the district?

If so, what allowance, if any, is given by the Government to the supervisor qanungos for this purpose ?

Hon'ble Sir Samuel O'Donnell : The honourable member is referred to the reply given to unstarred question No. 54(a), (b) and (c) at the Council meeting of September 5, 1924.

(Copy of unstarred question No. 54 and its answer given on September 5, 1924, referred to in the answer to starred question No. 39 for April 6, 1926.)

QUESTION.

(a) Is the Government aware that the supervisor qanungos are obliged to keep a horse for the efficient discharge of their official duty ?

(b) Is it a fact that they are not allowed any horse allowance ?

(c) Will the Government consider the advisability of granting them such a horse allowance ?

ANSWER.

(a) Supervisor qanungos are not obliged to keep a horse for the discharge of their official duties, but in practice do so.

(b) Yes.

(c) The answer is in the negative.

*40. **Dr. Shafa'at Ahmad Khan :** How many supervisor qanungos were promoted to naib-tahsildarships last year ?

Hon'ble Sir Samuel O'Donnell : The honourable member is referred to the reply given to starred question No. 119 at the Council meeting of December 23, 1925.

(Copy of starred question No. 119 and its answer given on December 23, 1925, referred to in the answer to starred question No. 40 for April 6, 1926.)

QUESTION.

*How many qanungos have been promoted to naib-tahsildarships during the last five years ?

ANSWER.

*The honourable member is referred to paragraphs on "promotion of qanungos" in the published annual report of the Land Records department in which the information is given year by year.

*41. **Dr. Shafa'at Ahmad Khan :** Has the Government compared the pay of the supervisor qanungos with persons occupying analogous positions in other departments ?

Hon'ble Sir Samuel O'Donnell : The honourable member is referred to the answers given to starred questions Nos. 7 and 8 on March 13, 1926.

(Copy of starred questions Nos. 7 and 8 and their answers given on March 13, 1926, referred to in the answer to starred question No. 41 for April 6, 1926.)

QUESTIONS.

*7. Has the Government recently received memorials from the supervisor qanungos pertaining to their pay and horse allowance ?

*8. What action is the Government going to take to redress the grievances of qanungos ?

ANSWERS.

*7. Yes.

*8. The memorials are under consideration.

*42. **Dr. Shafa'at Ahmad Khan :** When was the present scale for supervisor qanungos fixed ?

Hon'ble Sir Samuel O'Donnell : The present scale was fixed from April 1, 1921.

***43. Dr. Shafa'at Ahmad Khan :** Does the supervisor qanungo live at the headquarters for two years during settlement operations and incur additional expenditure ?

If so, what additional allowance is given to him ? If not, why not ?

Hon'ble Sir Samuel O'Donnell : The supervisor qanungo has to live and supervise the work of his patwaris at headquarters while the latter are preparing records there ; his stay is for much less than two years. No additional allowance is given him, as this is one of his duties.

***44. Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if the Government of India, Revenue and Agriculture department, issued orders on March 28, 1897, in which Local Governments were asked to improve the prospects of supervisor qanungos and others ? Will the Government be pleased to lay a copy of these instructions on the table ?

What effect, if any, has been given to these orders ?

Hon'ble Sir Samuel O'Donnell : No orders were issued in the resolution referred to, but it was suggested that higher educational qualifications should be demanded from candidates for the post of supervisor qanungo, and that supervisors should be promoted to higher posts in the Revenue department. Government have since substituted the diploma of the qanungo school for the vernacular middle as the educational qualification, and have directed that one-third of the persons selected for naib-tahsildarships each year shall be supervisor qanungos and that one diplomate shall be eligible each year for direct appointment.

***45. Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if supervisor qanungos are appointed sarbarakars or assistant managers of Court of Wards ? If not, why not ?

***46.** Will the Government be pleased to state if they intend revising the pay of supervisor qanungos in the near future ?

Hon'ble Sir Samuel O'Donnell : The honourable member is referred to the reply given to starred question No. 68 at the Council meeting of February 23, 1926.

(Copy of starred question No. 68 and its answer given on February 23, 1926, referred to in the answer to starred questions Nos. 45 and 46 for April 6, 1926.)

QUESTION.

*Will the Government be pleased to consider the desirability of improving the pay and prospects of the supervisor qanungos now, when the posts of sadr qanungos have been abolished, by (1) fixing the pay of supervisor qanungos on a time-scale basis, and (2) fixing a higher percentage of recruitment to naib-tahsildars from his service, and (3) providing other avenues of promotion in the Court of Wards and Registration departments.

ANSWER.

*Government do not consider any of the proposed changes desirable or necessary : they have however recently sanctioned a scheme whereby supervisor qanungos, who elect to work as records supervisors, will be entitled to travelling allowance and a special allowance amounting to 25 per cent. of their pay.

JUDGEMENT OF THE COLLECTOR OF BULANDSHAHR.

***47. Pandit Nanak Ohand :** (a) Is it a fact that the following sentence in the Bulandshahr Collector's judgement in revenue appeal

No. 163, dated February 13, 1926, Raghbir Singh *versus* Qamr-uddin—

“The case is distinguished even in this dishonest district by the network of perjury, forgery and corruption which it discloses.”

(b) If so, what action, if any, do Government contemplate taking in this matter ?

Hon'ble Sir Samuel O'Donnell : The honourable member is referred to the statement made by me on March 27. A certified copy of the judgement has been sent for.

REPRESENTATION OF SHIAS ON LOCAL BOARD.

*48. **Babu Narayan Prasad Arora :** (a) Is the Government aware that there is a great feeling of dissatisfaction among the Shias of these provinces for not getting adequate representation on the local boards ?

(b) Is the Government considering their case ?

*49. (a) Is the Government aware that the Shias of Cawnpore want representation on municipal and district boards ?

(b) How and when is the Government going to meet their demands ?

*50. Is the Government aware that since 1916 no Shia has been able to succeed in the municipal elections in Cawnpore ?

*51. Is it a fact that prior to 1916 Shia candidates succeeded in municipal elections ?

*52. (a) Is it a fact that the Shias of Cawnpore have made a representation to the Government about the joint electorate ?

(b) Is the Government aware that the Shias of Cawnpore prefer joint electorate ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made ; information is not yet available.

ELECTION OF CHAIRMAN, DISTRICT BOARD, JHANSI, AND THE CONDUCT OF DISTRICT AUTHORITIES.

*53. **Pandit Jhanni Lal Pande :** With reference to the answers to starred questions Nos. 108 and 110 of February 24, 1926, will the Government be pleased to state if any conference was held in the MacDonnell High School, Jhansi, in the year 1925 ?

*54. Did Mr. Williamson attend it or deliver any speech there ?

*55. In what manner has the Government satisfied itself as to the correctness of the answer given to starred question No. 112 of the said date ?

*56. With reference to the answer to starred questions Nos. 114 to 116 of the said date, will the Government be pleased to state if the order of the returning officer mentioned the fact that objection was made to the returning officer under rule 25 of the Election Rules ? If not, how did the District Magistrate know that such objection was raised ?

*57. With reference to starred question No. 131 of the said date, will the Government be pleased to state if the Joint Magistrate of Lalitpur wrote to the Secretary, district board, Jhansi, inquiring from him the date of the election of chairman and the names and addresses of the members of the board residing in his sub-division ?

*58. With reference to the answer to starred question No. 133 of the said date, will the Government be pleased to state the reasons why the Hon'ble Minister interfered with the discretion of the District

Magistrate, Jhansi, by prohibiting him from attending and addressing the board's meeting?

*59. With reference to the answer to starred question No. 148 of the said date, will the Government be pleased to state on whose recommendation did the Collector nominate Ratan Dhobi?

*60. How did the Government know that Ratan Dhobi is a well educated man? From whom did the Government receive this report? Did the Government attempt to get a similar report or information about the education of Babu Lal Khatik? Has this Babu Lal applied to the Government for his nomination?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made; information is not yet available.

*61. **Pandit Jhanni Lal Pande:** Is it a fact that the head clerk, the secretary and other clerks have often to go to Katera and Moth to get papers disposed of by the chairman and vice-chairman?

*62. Will the Government be pleased to state how many times did they do so in the months of December, January and February last? Was the travelling allowance paid by the chairman and vice-chairman from their own pocket or by the board? If by the board, how much?

*63. Is it a fact that Pandit Thakur Prasad, a member of the district board, who has been authorized to check the accounts, has objected to such journeys and allowances?

*64. (a) Has the Jhansi district board constituted a sub-divisional committee of Lalitpur, combining the two tahsil committees of Lalitpur and Mahroni?

(b) Has it obtained the sanction of the Local Government as required by the District Boards Act?

(c) How many miles away from Lalitpur does the chairman of the sub-divisional committee reside?

(d) Is it a fact that he is also an honorary magistrate?

(e) How many days in a week does he attend the court work and the sub-divisional committee work at Lalitpur?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made; information is not yet available.

*65. **Pandit Jhanni Lal Pande:** Will the Government be pleased to state the number of all schools maintained or aided by Jhansi district board in the month of July, 1925 and on March 1, 1926?

Hon'ble Rai Rajeshwar Bali: 376 and 398.

*66. **Pandit Jhanni Lal Pande:** Has the said district board resolved recently to close down depressed classes and Islamia schools? If so, how many? Has it decided to close down any training classes and town schools? If so, how many?

Hon'ble Rai Rajeshwar Bali: The answer to the first part of the question is in the negative. The second part does not therefore arise. As regards the third and fourth parts, the Jhansi district board has decided to close three out of six training classes.

*67. **Pandit Jhanni Lal Pande:** Has the Jhansi district board decided to dispense with the services of the compounders of Ayurvedic dispensaries? If so, will the Government be pleased to give the

number of existing Ayurvedic dispensaries and the number of dispensaries the compounders of which have been dispensed with?

*68. Is it a fact that the pay of the teachers, pound-keepers, vaccinators, compounders and vaids under the district board, Jhansi, for the month of December, 1925 and January, 1926 was despatched after February 15, 1926? If so, why?

*69. Is it a fact that neither the chairman nor the vice-chairman was at Jhansi to sign the cheques of pay and the dues of contractors in the month of February?

*70. On what dates were these cheques and their bills signed by their chairman, and on which dates were the payments entered in the cash book and classified abstract?

*71. What is the normal monthly expenditure of the Jhansi district board? What amount was spent in the month of February, 1926?

*72. Is it a fact that the chairman advanced Rs. 400 to Rai Sahib Pandit Nanhu Prasad, member of Moth for constructing causeway of Ramnagar? If so, on which date? Who sanctioned the estimate and the contract? Was the estimate ever laid before the board? On which date did the said Rai Sahib commence the work? Has the work been completed? If so, when? Has any certificate from the engineer or the overseer been taken as to the satisfactoriness of the work?

*73. Has the chairman passed any orders that no repairs or white-washing will be done to schools and pounds after rainy season?

*74. Is it a fact that the services of peons of arboriculture supervisors and the engineer have been dispensed with? If so, when?

*75. Will the Government be pleased to state whether the former board had sanctioned a contract for the construction of additional rooms in the hostel of Mau town school and training class?

*76. Is it a fact that the contractor had collected the materials and commenced the work?

*77. (a) Is it a fact that the chairman or vice-chairman has stopped the work and cancelled the contract? If so, under what authority?

(b) Was the sanction of the board taken for this action?

(c) What was the total amount of the contract given by the old board?

(d) What is the number of present boarders in the town schools and accommodation available in the present hostel?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made; information is not yet available.

RELEASE OF PANDIT BANSIDHAR OF UNAO.

*78. **Pandit Bhagwat Narayan Bhargava:** Is the Government aware that Pandit Bansidhar, son of Raghubar Dayal, Brahman, of district Unao, is confined in the Allahabad central jail?

*79. For how many years and when was he sentenced to imprisonment?

*80. Did he earn any remission of sentence? If so, how much?

*81. Has he completed the term of his sentence? If the answer be in the affirmative, will the Government be pleased to state why he has not yet been released?

Hon'ble Lieut Nawab Muhammad Ahmad Sa'id Khan: The honourable member is referred to the answer given on March 25, 1926 to

starred question No. 3 asked by Rai Bahadur Babu Vikramajit Singh.

(Starred question No. 3 for March 25, 1926, asked by RAI BAHADUR BABU VIKRAMAJIT SINGH, and an answer given thereto.)

QUESTION.

*3. (a) Is the Government aware if a prisoner named Pandit Bansidhar, son of Raghubar Dayal, Brahman, of village Bethar, police station Achalganj, Unao district, at present in the Allahabad central prison has completed 14 years of his sentence which was passed on January 19, 1912?

(b) Was his case submitted to the Government for consideration after the completion of fourteen years' sentence under the rules and regulations of the Jail Manual?

(c) Has he earned any ordinary or special remissions?

(d) Is the Government going to take any action in his case?

ANSWER.

The prisoner was sentenced to transportation for life under section 302, Indian Penal Code, on January 1, 1912. He was sent to the Andamans on July 19, 1912, and received back in Naini central prison on July 27, 1924. He had earned up to and including December 31, 1925 two years, eight months and twenty days remission, including two years, five months Andamans special remission, which is calculated on the basis of the balance of sentence remaining at the time of repatriation in order to compensate for the more rigorous conditions of confinement in a jail. His sentence has not been commuted to one of rigorous imprisonment, and he is still serving, although in an Indian jail, a sentence of transportation for life. The fourteen years' rule referred to by the honourable member does not therefore apply to his case, and under the rules applicable to transportation prisoners his case will be submitted to Government when he has served twenty years including remissions, which will occur about November 24, 1926. His case, however, has already been before the revising board of the Naini central prison, who recommended that it should be postponed indefinitely. He was returned from the Andamans with his nominal roll marked "incurrible."

MEDICAL LEAVE TO DISTRICT INSPECTING STAFF.

* 82. **Pandit Bhagwat Narayan Bhargava**: Is it a fact that the inspector of schools, Jhansi division, has written to all chairmen of the district boards, Jhansi division, that all medical leave to the district inspecting staff should be given on a certificate from the district civil surgeon? If so, under what rule of the Government was the inspector authorized to take the said action? Does the Government approve of his suggestion or order?

Hon'ble Rai Rajeshwar Bali: The reply to the first part of the question is in the affirmative. The letter in question was issued under a misapprehension.

CLOSING DOWN OF DISTRICT BOARD SCHOOLS IN JHANSI DIVISION.

* 83. **Pandit Bhagwat Narayan Bhargava**: Has the inspector of schools, Jhansi division, issued a letter to any district boards in his division asking them to close down schools, particularly Islamia and depressed class schools, in order to bring down the expenditure to the minimum standard fixed by the Government? If so, why?

Hon'ble Rai Rajeshwar Bali: The answer to the first part of the question is in the negative. The second part does not arise.

GARIA PHATAK TOWN AREA IN JHANSI.

* 84. **Pandit Bhagwat Narayan Bhargava**: With reference to the answers to starred questions Nos. 195 and 196 of February 24, 1926, will the Government be pleased to state—

(a) if the Government have received a representation of the Agent, Great Indian Peninsula Railway, through the Government of

India regarding the transfer of Garia Phatak town area to the railway control ;

(b) if the Government have consulted the wishes of the residents of the town area about this change of administration ;

(c) whether the Government have received by registered post a petition signed by a large number of the residents of the town area that they want to be controlled and administered by Jhansi municipal board and not the railway notified area? What action was taken on it ?

* 85. Is it a fact that the town magistrate of Garia Phatak has already taken the opinion of the *panches* on the matter ?

* 86. Is it a fact that the majority of *panches* have expressed themselves in favour of being transferred under municipal board control ?

* 87. What is the population and yearly income of the said town area ?

* 88. Is the Government aware that Sipri Bazar is included in the municipal area of Jhansi ?

* 89. Is it a fact that most of the residents of Sipri Bazar are railway servants ?

* 90. What is the distance between the verge of the municipal area and the borders of the said town area ?

* 91. In how many cities in the United Provinces are railway lines administered by the municipal boards and in how many by the railways themselves ?

* 92. Will the Government be pleased to state the constitution of the notified area for Garia Phatak as proposed by the Agent, Great Indian Peninsula Railway ?

* 93. Has the Agent admitted in his representation that the area is very insanitary and full of epidemics and infectious diseases ?

* 94. Is the Government aware that the Assistant Director of Public Health in his report No. 394/70, dated August 21, 1923, explained the necessity of including this town area into the municipal area from a sanitary point of view ?

* 95. Will the Government be pleased to state the number of voters on the new electoral roll of Garia Phatak town area ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made; information is not yet available.

CHIRGAON TOWN AREA, JHANSI.

* 96. **Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to state the population, the number of electors and the annual income of Chirgaon town area in Jhansi district ?

* 97. Is it a fact that in 1924 when the then Minister for Local Self-Government visited Chirgaon he expressed his opinion to the *panches* that Chirgaon could be constituted into a municipality ?

* 98. Has the Government since then considered the advisability of establishing a municipality there ? If not, does it intend to do so now ? Has it any objection to consulting the Town Area Committee ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made ; information is not yet available.

DISTRICT BOARD, JALAUN.

* 99. **Pandit Jhanni Lal Pande** : Is it a fact that the last meeting of the district board of Jalaun was declared to be confidential and no visitors were allowed ?

* 100. Will the Government be pleased to state the reasons, if any, that led the chairman to declare an ordinary meeting of the board as "confidential?"

* 101. (a) Is it a fact that Babu Keoti Prasad, overseer, was dismissed by the outgoing district board of Jalaun.

(b) On which date was the resolution passed ?

* 102. (a) Is it also a fact that the same gentleman has been re-appointed by the new board ?

(b) Is it a fact that this second resolution has been adopted within six months of the passing of the last resolution dismissing him ?

(c) If so, will the Government be pleased to state if the provisions of section 55 of the District Boards Act entitling a board to rescind its former resolution within six months were fulfilled ?

(d) If the answer to (c) is in the negative, will the Government be pleased to state what action the commissioner took when the proceedings came to him for approval ?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made ; information is not yet available.

ORIGINAL SUITS OF BALLIA.

* 103. **Dr. Ganesh Prasad** : Will the Government be pleased to state the number of Ballia original suits instituted in the court of the Judge of Ghazipur during each of the years 1922, 1923, 1924 and 1925 ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :—

1922	..	..	..	..	..	161
1923	..	..	..	..	..	186
1924	..	..	..	..	..	179
1925	..	..	..	..	..	241

PLAGUE IN AZAMGARH, SULTANPUR AND MUTTRA.

* 104. **Dr. Ganesh Prasad** : Will the Government be pleased to state the steps it is taking to check the spread of plague in the districts of Azamgarh, Sultanpur and Muttra ?

Hon'ble Rai Rajeshwar Bali : The steps taken are inoculation with anti-plague vaccine and the evacuation of infected sites.

NOMINATIONS TO MUNICIPAL BOARD, CAWNPORE.

* 105. **Khan Bahadur Hafiz Hidayat Husain** : (a) What are the names of the nominated members of the Cawnpore municipal board ?

(b) Is Jagnoo Mistri a representative of the labouring classes ? Has Babu Tara Chand been nominated from among the depressed classes ?

(c) Has the latter represented to the Government that he is not a member of the depressed classes and that he should not have been nominated as such ?

Hon'ble Nawab Muhammad Yusuf : (a) Jagnoo and Tara Chand.

(b) The former was nominated to represent the interests of the labouring classes ; the latter to represent the interests of the depressed classes.

(c) Yes.

LOAN TO MUNICIPAL BOARD, MUSSOORIE.

* 106. **Pandit Nanak Chand :** With reference to the answer to starred question No. 14 of January 19, 1926, will the Government be pleased to state the amount of loan spent by the Mussoorie municipal board, and what steps, if any, is the Government taking for the repayment of this portion of the loan and its interest?

Hon'ble Rai Rajeshwar Bali : The board has spent Rs. 16,305 out of the loan. The Government have taken no steps. The board has already paid the first instalment and will regularly pay further instalments on fixed dates.

POLLING STATION OF GURSARAI, JHANSI.

* 107. **Pandit Bhagwat Narayan Bhargava :** Is the Government aware that Gursarai is a polling station for the Legislative Council and district board elections in the Jhansi district?

* 108. Is it a fact that the said polling station has got the largest number of electors in the electoral rolls in the whole district with the exception of Jhansi itself?

* 109. Is it a fact that polling was invariably held there in the Council and district board elections in 1920 and 1923?

* 110. (a) Is the Government aware that in the last district board elections, the polling for Gursarai constituency was held at Garotha?

(b) If the answer to the above be in the affirmative, will the Government be pleased to state by whom was the polling station changed, for what reasons and under what authority?

* 111. Will the Government state how many days before the election was this change in the polling station announced to the constituency concerned and in what manner?

* 112. Does the Government approve of the procedure adopted in changing the ordinary polling station?

* 113. How many villages did the Government include in Gursarai constituency?

* 114. Were the villages notified in the Government gazette? If so, when?

* 115. (a) Is it a fact that the villages notified by the Government were not actually included in the electoral roll of Gursarai prepared at Jhansi?

(b) If the answer to the above be in the affirmative, will the Government be pleased to state how many villages were left out and how many voters were included in these villages?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made; information is not yet available.

DISTRICT BOARD ELECTIONS, JHANSI.

* 116. **Pandit Bhagwat Narayan Bhargava :** (a) Is it a fact that the returning officer of Moth tahsil in Jhansi district did not himself fill up the nomination rolls of some candidates for the district board elections held last year but asked them to fill them up themselves?

(c) If the answer be in the affirmative, does the Government approve of this procedure?

* 117. Will the Government kindly state on which date the ballot box of district board election was received from Barwasagar polling station in Jhansi district in collector's office?

* 118. Will the Government be pleased to give the distance of Barwasagar from Jhansi and to state if there is a railway connexion between these two places?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made; information is not yet available.

NOMINATIONS TO MUNICIPAL BOARDS.

* 119. **Pandit Bhagwat Narayan Bhargava :** Will the Government kindly state if it has nominated any official as a member of any municipal board? If so, to which boards in the provinces, and why?

* 120. Will the Government inform the Council for how many municipal boards they have nominated members of the depressed classes and for how many they have not?

* 121. Will the Government be pleased to give the names of the municipal boards which have got no nominated members of the depressed classes and the reasons for not nominating one to each of them?

Hon'ble Nawab Muhammad Yusuf : An answer will be given at a later date.

DISTRICT BOARD ELECTION, PILIBHIT.

* 122. **Pandit Brijnandan Prasad Misra :** (a) Will the Government state how many cases of wrong identification were brought to light before the district judge in evidence in the course of the hearing of the district board election petition of Babu Devi Das Agarwal in Pilibhit?

(b) What identifying agency worked at the district board elections in Pilibhit this year?

(c) Did the District Magistrate of Pilibhit impress mukhias and chaukidars for identifying, withholding the patwaris from this work this year?

(d) How many of the members belonging to rural areas and returned at the district board polls this year are mukhias of villages?

(e) Does the Government know that this gave the police a direct influence over the elections?

Hon'ble Nawab Muhammad Yusuf : Inquiry is being made; information is not yet available.

CONTINGENT GRANT THE CIVIL COURT, BASTI.

* 123. **Maulvi Abdul Hakim :** What amounts of money have during the last three years been granted to the district judgeship of Gorakhpur for contingency expenditure and what amounts during the same interval were spent over the civil courts at Basti?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : A statement is laid on the table.

(See Appendix C, page 558.)

* 124. **Maulvi Abdul Hakim :** Do the Government now intend to allot a specified portion of the sum granted to the judgeship of Gorakhpur for the expenses of the civil courts at Basti under the supervision of the additional judge at Basti?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : No.

UNSTARRED QUESTIONS.

CASUAL LEAVE TO DEPUTY COLLECTORS.

1. **Rai Sahib Lala Jagdish Prasad :** (a) Is it a fact that if deputy collectors obtain casual leave in continuation of some gazetted holidays then the period of their casual leave as well as the number of holidays are together counted as the total period of casual leave enjoyed by such officers ?

(b) Is it a fact that the said officers have sometimes to remain on executive duty even on gazetted holidays ?

(c) Do Government intend to consider the advisability of laying down that gazetted holidays occurring in continuation of the actual days of casual leave granted to them shall not be considered as days of casual leave enjoyed by them but that only actual days of such leave shall count ?

Mr. G. B. Lambert : (a) and (c) The orders are "Fourteen days is the maximum of casual leave which can be allowed. Holidays or non-working days if included in the period of absence must be reckoned as part of the maximum." It follows therefore that if a deputy collector works or remains on duty on gazetted holidays and takes casual leave immediately after those holidays they are not included in the period of his casual leave.

(b) Yes.

KURWAR ESTATE.

2. **Shaikh Abdus Samad Ansari :** Will the Government be pleased to state on what evidence Rani Bhumeshari Raj Lakshmi Devi of Kurwar has been declared incapable of managing her property ?

Mr. H. A. Lane : On the evidence afforded by the result of a year's experience of management by the Rani.

3. **Shaikh Abdus Samad Ansari :** Is the Government aware that the Kurwar estate is in a perfectly solvent condition and that no debts were incurred by her since the Rani succeeded to the estate ?

Mr. H. A. Lane : The answer is in the affirmative.

4. **Shaikh Abdus Samad Ansari :** Is it a fact that the Commissioner of the Fyzabul division reported to the Government that there were no grounds for taking the estate under the court of wards and that the Rani should be given another manager in place of Rai Bahadur Babu Awadh Behari Lal ?

5. If the answer to the foregoing question be in the affirmative, will the Government be pleased to state what induced the Government to override the report of the Commissioner and assume superintendence of the estate ?

Mr. H. A. Lane : The report of the Commissioner being confidential Government are unable to disclose any of its contents.

6. **Shaikh Abdus Samad Ansari :** Is it a fact that charges of extravagance induced the Government to take action against her under the Court of Wards Act ?

Will the Government be pleased to state whether any opportunity was given to the Rani to meet these charges? If not, why not?

Mr. H. A. Lane : The honourable member is referred to the reply given to question No. 2.

7. Shaikh Abdus Samad Ansari : Is the Government aware that the Rani possesses only a life interest in the estate without power of transfer and that there could be no apprehension of the estate being encumbered by her?

Mr. H. A. Lane : Government have not examined the question whether the Rani's interest is absolute or a life interest. Even if the Rani is incapable of encumbering the estate, its management during her lifetime is an important question, which had to be considered.

8. Shaikh Abdus Samad Ansari : If the answer to the foregoing question be in the affirmative, will the Government be pleased to state what was the justification for taking the estate under court of wards?

Mr. H. A. Lane : The honourable member is referred to the reply given to question No. 2.

9. Shaikh Abdus Samad Ansari : Is it a fact that the Rani of Kurwar has made representation to the Deputy Commissioner, the Commissioner and the Member of the Board of Revenue to the effect that Kunwar Kaushalendra Pratap Sahi, special manager of the Deera estate, is on bad terms with her and that his appointment as manager of her estate will be prejudicial in the interests of the estate and to her personally? If so, what action, if any, has the Government taken or does it propose to take on her representation?

Mr. H. A. Lane : Munshi Riyaz Muhammad, tabsildar, is being appointed to manage the estate under the direct control of the Deputy Commissioner.

10. } **Rai Bahadur Pandit Kharagjit Misra :** [*Postponed till the*
11. } *first day of the next session of the Council.*]

MOTOR-CARS FOR INSPECTRESSES OF SCHOOLS.

12. Rai Bahadur Pandit Kharagjit Misra : Has the Government considered the propriety of supplying the inspectresses of schools with cheap motor-cars to enable them to pay surprise visits to their schools?

Kunwar Jagdish Prasad : No.

CASE OF MR. FOURACRES OF THE UNITED PROVINCES ENGINEERING SERVICE.

13. Mr. H. C. Desanges : Will the Government be pleased to state who was first on the list of the United Provinces Engineering Service when the service was organized?

Was it Mr. Fouracres?

Hon'ble Sir Samuel O'Donnell : Mr. L. J. Jackson. No.

14. Mr. H. C. Desanges : How many years' service had Mr. Fouracres in the Irrigation department altogether?

Hon'ble Sir Samuel O'Donnell : Twenty-nine years, six months and sixteen days.

15. **Mr. H. C. Desanges** : How many years' continuous service did Mr. Fouracres have as a divisional engineer ?

Hon'ble Sir Samuel O'Donnell : Seventeen years, ten months and twenty-seven days.

16. **Mr. H. C. Desanges** : Was Mr. Fouracres posted to the United Provinces Engineering Service on Rs. 1,050 per month ?

What was Mr. Fouracres' income per month when he retired ?

Hon'ble Sir Samuel O'Donnell : No. He was appointed to the United Provinces Engineering Service on Rs. 750 per mensem, the maximum substantive pay. He drew a further allowance according to rule while in charge of a division.

17. **Mr. H. C. Desanges** : Is it true that when Mr. Fouracres was offered the first place in the United Provinces Engineering List, he was told that he would suffer no monetary loss ?

Hon'ble Sir Samuel O'Donnell : Mr. Fouracres prior to his appointment to the United Provinces Engineering Service inquired *in respect of pay* whether his appointment would involve any monetary loss and was informed that he was not likely to suffer any monetary loss. He has suffered no loss in respect of pay.

18. **Mr. H. C. Desanges** : Is it correct, or fairly correct, that Rs. 1,050, Rs. 1,100 and Rs. 1,150 are stages of pay of the I. S. E.

Hon'ble Sir Samuel O'Donnell : The figures quoted are correct within Rs. 25.

19. **Mr. H. C. Desanges** : Is it true that the late Chief Engineer (Mr. A. C. Laurie) recommended Mr. Fouracres for the I. S. E.

Hon'ble Sir Samuel O'Donnell : I can make no statement on this point.

20. **Mr. H. C. Desanges** : Is it true that Mr. Fouracres applied for the I. S. E. ? Why was he not granted it ?

Hon'ble Sir Samuel O'Donnell : Yes. Because he was not considered fit for it.

21. **Mr. H. C. Desanges** : Is it true that his juniors, and men getting less pay, have been promoted to the I. S. E. ?

Hon'ble Sir Samuel O'Donnell : Yes.

22. **Mr. H. C. Desanges** : Did Mr. Fouracres point this out ?

Hon'ble Sir Samuel O'Donnell : Yes.

23. **Mr. H. C. Desanges** : Is it true that Mr. Fouracres is not getting the proper pension on an income of Rs. 1,150 or Rs. 1,050.

Hon'ble Sir Samuel O'Donnell : No regular pension has yet been sanctioned by Government as no application has been received.

MUSLIM JUDICIAL OFFICERS, MORADABAD.

24. **Dr. Shafa'at Ahmad Khan** : Will the Government be pleased to state the number of Muslim munsifs in the Moradabad district ?

Mr. G. B. Lambert : Two.

25. **Dr. Shafa'at Ahmad Khan** : Is the Government aware that the number of Muslim munsifs in the Moradabad district is small ?

Mr. G. B. Lambert : No there are six munsifs altogether.

26. **Dr. Shafa'at Ahmad Khan** : Did the Muslim vakils of Moradabad represent to the Government the need of a Muslim munsif and a subordinate judge ?

27. Is the Government aware that the Muslims of Moradabad have frequently represented to the Government the need of a Muslim subordinate judge and a Muslim munsif at Moradabad, and the need of a Muslim at Amroha and Sambhal ?

Mr. G. B. Lambert : No.

28. **Dr. Shafa'at Ahmad Khan** : Will the Government be pleased to take their representations into consideration ?

Mr. G. B. Lambert : Does not arise.

29. **Dr. Shafa'at Ahmad Khan** : Is the Government aware that owing to the lack of a responsible Muslim officer in the civil courts the practice of Muslim vakils has greatly suffered and no lawyer enjoys any practice in the civil courts ?

Mr. G. B. Lambert : No.

PAY OF CLERKS IN THE GOVERNMENT RAILWAY POLICE.

30. **Pandit Brijnandan Prasad Misra** : Is it a fact that the scale of pay fixed for head clerk, accounts and assistant clerks of the Government railway police offices in the United Provinces prior to 1908 was higher than their counterparts of the district police office ? If so, for what reasons were the former given preference to the latter ?

31. Is it a fact that the general increment sanctioned by Government in connexion with the Pike's scheme was given to all the district police office clerks and other branches of police in the United Provinces and even to the vernacular department of Government railway police offices ? Is it a fact that the English office clerks of the Government railway police in the United Provinces were made an exception to it ? If so, for what reasons ?

32. Will the Government be pleased to state what action, if any, has been taken on the representation of the assistant clerks of the Government railway police in 1924 ?

33. Is it a fact that the district police office clerks, Criminal Investigation department, and all other branches of police have been granted a general increment in connexion with the Decentralization Committee report ? Is it a fact that railway police clerks have been debarred ? If so, for what reasons ?

Mr. G. B. Lambert : Since notice of these questions was received the matter has been dealt with in a supplementary estimate passed by the

Council on April 1. If the honourable member still requires further information it will be furnished to him.

34. } **Maulvi Abdul Hakim**: [*Transferred as starred questions*
35. } *Nos. 123 and 124 of today's date.*]

COMMUNAL REPRESENTATION IN MEDICAL SERVICE.

36. **Dr. Zia-ud-din Ahmad**: What was the number of the Musalmans, Hindus and Englishmen in the following grades of the Medical service on January 1, 1919, January 1, 1923, and January 1, 1926?

- (a) Civil surgeon grade including temporary appointments.
(b) Assistant surgeon grade including temporary appointments.
(c) Sub-assistant surgeon grade including temporary appointments.

37. **Dr. Zia-ud-din Ahmad**: How many appointments were made in the assistant surgeon grade in the years 1924 and 1925 and how many of these were Muhammadans?

Mr. G. B. F. Muir: The information is given in the following table:—

	Civil surgeons including temporary appointments.			Assistant surgeons including temporary appointments.			Sub-assistant surgeons including temporary appointments.		
	1-1-19.	1-1-23.	1-1-26.	1-1-19.	1-1-23.	1-1-26.	1-1-19.	1-1-23.	1-1-26.
Musalmans ..	4	3	2	10	10	10	121	117	85
Hindus ..	24	20	22	98	106	83	340	438	334
Englishmen (in- cluding Anglo- Indians).	21	27	25	..	..	..	..	..	..

Two in 1924 and four in 1925. Of these one was a Muslim.

PUBLIC HALL, DEHRA DUN.

38. **Pandit Nanak Chand**: With reference to answer to starred questions Nos. 78A to 78D., dated January 19, 1926, will the Government be pleased to state the constitution of the public hall committee and place the grounds on which the commissioner declined to sanction the lease on the table?

Mr. G. B. F. Muir: Inquiry is being made; information is not yet available.

NUMBER OF SLAUGHTER HOUSES AND ANIMALS SLAUGHTERED.

39. **Pandit Nanak Chand**: Will the Government be pleased to give the number of slaughter-houses in the United Provinces (a) for local consumption and (b) for dry meat trade?

40. With reference to the answer to unstarred question No. 20, dated January 22, 1926, will the Government be pleased to state the purposes of slaughter of cattle other than the slaughter for dry meat and local consumption?

Mr. G. B. F. Muir : Inquiry is being made; information is not yet available.

ANNOUNCEMENT AS TO OPINIONS ON CERTAIN BILLS.

Hon'ble the President : Several bills were under the orders of the Council circulated for eliciting opinion and I understand that opinions have been received. Mr. Muir will make a statement.

Mr. G. B. F. Muir : The Bills which were circulated for opinion were the two Government Bills made under section 173 of the District Boards Act, and section 264 of the Municipalities Act. There was also a private Bill introduced by Pandit Har Govind Pant to amend the Municipalities Act. All these three Bills have been circulated for opinion and copies of the opinions received have been placed in the room of the Secretary of the Council and are open to examination by members.

RESOLUTIONS.

RESOLUTION *re* EXAMINATION BY COMPARTMENTS.

Rai Bahadur Lala Mathura Prasad Mehrotra : There is a misprint in the fourth line of part (b) of my resolution. It ought to be 'head-masters' instead of 'masters.' Have I your permission to amend it?

Hon'ble the President : Yes.

Rai Bahadur Lala Mathura Prasad Mehrotra : I am very grateful to you for affording me once more an opportunity for discussing my resolution this morning.

Hon'ble the President : No question of gratefulness to me. That is in accordance with the standing orders.

Rai Bahadur Lala Mathura Prasad Mehrotra : It is in the fitness of things that a resolution upon compartmental examinations comes for discussion in compartments. I dealt with two points only on that day, when I made it quite clear to the honourable members that by moving this resolution I am not introducing any new principle. I also pointed it out that I was not interfering with the privileges of the Allahabad and Lucknow universities. Further then, Sir, I dealt on the heavy cost of education that a student has to bear, the difficulties of courses, the question of unemployment in connexion with unsuccessful candidates, the limit of age in connexion with Government service and the waste of time for one whole year to study one or two subjects instead of making it up in three months.

Now, Sir, I will anticipate two or three objections that the opposers of my resolution may bring forward. The first of them is the question of management. It is very easy to manage such examinations at the universities. I do not want that such compartmental examinations should be held at each and every centre of the university. They are to be held at the university headquarters only. As regards detailed management I think the number of students will be very small and the Registrar and the Vice-Chancellor will be able to arrange them very easily. The unfortunate students will not feel any inconvenience in going to a distant place for compartmental examinations.

As regards secondary schools we all know that one or two weeks at the commencement of every session are spent in admissions and making necessary arrangements for class-rooms, and so on. So the teaching is hardly commenced from the very beginning. If some masters are to be entrusted with this duty, there will be no difficulty at all. Such examinations are also being held in several schools, as I pointed out that day. Then, Sir, comes the question of examiners. I think that is also very easy. There is no dearth of examiners when they are highly paid for examining the answer books of the examinees and setting question papers.

Now, Sir, a second point is a question of finance. I think it is not at all important. The students do pay for their examination fees and the Government will not have to contribute much from the public purse.

The third, and the most important point, is the lowering of the standard. In my last speech I never touched on this point, nor did I put any such word in my resolution as will give the impression that I wanted to lower the standard. The holding of examinations from 12 to 3 months does not mean the lowering of standard. It is only a further facility. Besides that, in the second part of my resolution I have clearly stated that such students should get 40 per cent. marks while the present percentage is only 33. So many facilities have already been given to students. They are already eligible to sit in compartmental examinations and their answer books are to be re-examined on payment of certain fees. I am now adding one more facility, that they should be examined after 3 months instead of 12 months. So it does not concern at all with the lowering of the standard and it may be kept as high as the university may wish.

Now, Sir, the system that is embodied in my resolution is already prevalent in many of the universities all over India, for instance, the Benares Hindu University has introduced the same system. The Patna University has also introduced exactly the same system. In the Punjab University they hold two examinations in December and July. In the Senior Cambridge examination they have also two examinations in the months of December and July. In the Madras University there are many groups and students can take one, two or all the groups as they like. So there is still greater facility. In the Lucknow University also in professional subjects—I mean the medical subjects—students can take one or two groups at a time. Besides that they also hold two examinations at the Lucknow University in medicine. So, Sir, the facilities that I want for the students of this province are already prevalent in other provinces, and consequently I do not ask for any new thing. With these words I commend my resolution to the acceptance of the House.

Dr. Ganesh Prasad: I should like to make it clear at the very outset that I am not one of those people who deprecate the taking of interest in the Allahabad or Lucknow University by this honourable House. The more the Legislative Council takes interest in the affairs of the Allahabad and Lucknow Universities the better it would be for those two Universities. But while I welcome interest on the part of the Legislative Council, I certainly deprecate any action of the Legislative Council which might be interpreted, rightly or wrongly, if I may say so without any disrespect to anybody, as a kind of intimidation to those two universities. With these preliminary remarks I now propose to

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consider the resolution of my honourable friend Mr. Mehrotra, specially that part which is called part (a). As every one knows I am not so much familiar with secondary and intermediate education as my distinguished friend the Director of Public Instruction is. But I claim to be an expert in University education and therefore practically the whole of my speech will be confined to the first part of Mr. Mehrotra's resolution. I would like to divide my speech in three parts. First of all I will consider what the present state of affairs is with regard to the relief to students who are not successful in examinations. In the second part I will consider the question how are changes to be introduced in the matter of relief to unsuccessful candidates? And the third part of my speech will deal with the *modus operandi* which is necessary for the Council or one of its members to adopt in order to introduce some change in the matter of relief to the student community.

First of all, Sir, as regards the present state of affairs, in March, 1920 the old Allahabad University passed a regulation which became a kind of model for all those universities in these provinces which later on introduced what is called the compartmental system. That regulation runs as follows:—"Any candidate for the intermediate or B. A. examination who has obtained 40 per cent. of the aggregate number of marks and who has failed in one subject only, obtaining not less than 25 per cent. of marks in that subject, shall be admitted to the examination of the following year in the subject in which he failed on payment of a fee prescribed by the Syndicate and if he passes in that subject shall be deemed to have passed the examination." When the new Allahabad University came into existence I had the honour of moving a resolution in the Academic council, which practically gave the same privileges to the students which they possessed in the old university. I may just mention incidentally that my claim as a friend of the student community is not a new one. In July of the year 1920 on the floor of the Senate of the Benares University I broke down the opposition of a number of distinguished gentlemen in the matter of the compartmental system by a speech which lasted for full 1½ hours. One of my opponents was no less a man than the present Vice-Chancellor of the Lucknow University, and I view the report of that day's debate in the Senate with a great deal of pride. The question now is:—"What is the state of affairs in the Lucknow University?" I would request this honourable House to consider the whole matter dispassionately. In the Lucknow University there are certain disadvantages from which students are suffering in this particular matter and at the same time there are some advantages which the students of the Allahabad University do not possess. In the Lucknow University we have got two ordinances, one for the B. A. and the other for the B. Sc., and the ordinances are practically the same. But there is a very important difference in this matter between the provisions in the two universities. In the Lucknow University, the student has to attend a course of lectures during the year in the subject in which he has to appear at the examination. In the Allahabad University the student after failing in a subject and securing more than 25 per cent. of marks in that subject has nothing to do with the university beyond going to the examination hall at the end of the year and appearing at the examination, and if he gets 40 per cent. of the marks in the aggregate in the subject in which he failed to pass at the previous examination, he is

declared to have passed. But in the case of the Lucknow University compulsory attendance even for the unsuccessful candidate is insisted upon. There is however an advantage to the student in the case of the Lucknow University in that the record of an unsuccessful candidate is always taken into consideration at the time of the declaration of the result, and according to that record, even if a student fails by five per cent. of the marks in a subject if he has got a good record, he can be declared to have passed, and I know, Sir,—I naturally cannot disclose names—that this Ordinance is not a dead letter. Even in the matter of the classification of students in the first or second division this record is taken into consideration. I may also mention that the Board of Intermediate Examination has sanctioned a rule for the Intermediate candidates practically on the same lines as the regulation in the old Allahabad University for Intermediate candidates.

I have finished with my statement of the present state of affairs so far as the two universities are concerned. The question now arises as to how a change can be introduced in the present state of affairs and what that authority is which can introduce that change. Now, so far as the universities are concerned, I think that it might be news to some gentlemen here that even a member of the Court of a University is debarred from bringing a resolution in the Court for a change in the purely academic activities of the University. I can very well realize the feelings of most of my friends in this Council. Some of them are members of the Court and not members of the Academic Council and they do not find any important platform from which they can ventilate the grievances of the student community. Rai Bahadur Lala Mathura Prasad Mehrotra, is a member of the Court of the Allahabad University, and if he had been elected, like myself, to the Academic Council of the Allahabad University, we would have heard less of this particular matter which forms the subject of his resolution in this Council. He would certainly have ventilated the grievances of the student community in the Academic Council. That I have done repeatedly. Therefore this is an important point to be borne in mind that the only authority that can take up a question like this and deal with it effectively is the Academic Council of the University concerned. I need not read the section or Statutes relating to the power of the Academic Council. My friends here will take it from me that in matters relating to the standards of examinations, in all matters relating to the admission to the examinations, it is the Academic Council that must take the initiative and the Executive Council, the initiative having been taken by the Academic Council, passes Ordinances which come into force and remain in force unless His Excellency the Chancellor vetoes them. The right body to take the initiative is the Academic Council, and the Academic Council, I can easily imagine, would not feel extremely grateful to my friend Rai Bahadur Lala Mathura Prasad Mehrotra if he were to arrogate to himself that particular privilege of the Academic Council. I am grateful to the members of the Court of the Allahabad University and I am also grateful to those who brought into existence the Allahabad University Act of 1921, for the honour and privilege of being a member of the Academic Council of that University, although I am not a teacher in that University. But the case of the Lucknow University is entirely different. In the Lucknow University no one can be member of the Academic Council, barring naturally the Vice-Chancellor, who is not a teacher either in the University or outside the University

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and only three such outside teachers or members of the teaching profession can be nominated by His Excellency the Chancellor. In the Allahabad University things are different. Now, Sir, the fact is that a change, if it has to be initiated can be initiated by the Academic Council and not by the members of the Legislative Council. I sat yesterday at a meeting of the Faculty on Science of the Lucknow University where a reference was considered which had been made by the Executive Council to the Academic Council. I have no hesitation in saying that the only attitude that my self-respect would let me take in that particular body on this matter was that which I took when I expressed my very deep sympathy with the student community and I stated that I need not welcome any kind of action on the part of the Legislative Council in academic matters in regard to such great bodies as the Lucknow and Allahabad Universities. The reference was taken up and the Faculty of Science endorsed the opinion of the Faculty of Arts. The resolution that was passed by the Faculty of Arts runs as follows:—

“The Faculty considered a suggestion from Mr. Hargovind Dayal Srivastava, a member of the Court, referred to it by the Executive Council. On the motion of Professor S. B. Smith, seconded by Dr. S. K. Banerji, it was resolved that in the opinion of the Faculty of Arts the present practice, namely, that students who come under the compartmental system and are eligible to reappear in one subject only at the end of one further year of study, should remain unchanged.”

That was endorsed by the Faculty of Science and Academic Council might also endorse the opinion of that Faculty.

I now come to the third part of my speech, namely, that about the *modus operandi* to be adopted here to effect a change. My friend Rai Bahadur Lala Mathura Prasad Mehrotra is not a professor of History nor am I a professor of History. But he was certainly wrong when he said that in the Patna and the Benares Hindu University the action that he wants to be taken by the Allahabad and the Lucknow Universities is being adopted or has been adopted. I was in the Benares Hindu University for many years and I have full sympathy with the student community there and elsewhere. I can cite case after case of students who suffer very much because of this very particular regulation relating to the compartmental examination being held a year after the announcement of the result. But in that National University similar difficulties are felt by those who wish to hold the examination soon after the result as are felt by the Lucknow University, namely, the dislocation of teaching work and financial trouble. My friend Rai Bahadur Lala Mathura Prasad Mehrotra thought that the additional compartmental examination could be managed by the Vice-Chancellor and the Registrar. It is too much to expect such a high officer as the Vice-Chancellor should conduct an examination and invigilate the candidates. It is the duty of the Registrar to conduct examinations, but those who know will admit how difficult it is to keep up the standards and prevent any attempt at unfairness. I do not say it is impossible, but I say it is difficult to conduct an examination three months after the results, and I can enter into the feelings of those who sit in the seats of authority in the universities. In Lucknow University it will not cost only as much as what the students pay as their examination fees to defray the expenses of such an examination. I have a letter

from the Registrar of the Lucknow University which I received only this morning, and he tells me that only three men appeared for the compartmental examination this year in the B. A., and only three in the B. Sc. Suppose these men pay twenty or even thirty rupees each as fees that would come to Rs. 180. Mr. Mehrotra has passed the B.A. examination, and I as a member of the Executive Council of the Allahabad University and as one connected with many universities, know that examiners are not paid so highly as he thinks, not, for example, as highly as a gentleman of the stamp of Khan Bahadur Hafiz Hidayat Hussain, who gets Rs. 500 a day spent on professional work outside Cawnpore. The examiners in the B. A. or B. Sc. examination are paid something like Rs. 50 for setting each question paper, and they are paid something like Re. 1-8-0 per paper for examining the answer papers. Now if six men appear for the compartmental examination in six different subjects that would mean an expenditure of about Rs. 1,000. It is therefore not correct to say that there will be no financial strain on the universities if they hold the examination at the end of three months. Therefore, Sir, without taking too much time of this House, I would say this, that I have got the greatest sympathy with the unsuccessful students as much as any member of this House, or any one outside who wants to see that relief is, given in any measure, or in as great measure as possible, to the student community; and I hope that this is not merely lip sympathy, I have made good my words of sympathy on a number of platforms, in any number of universities, and, as I said before, in the Benares University I broke down the opposition of a very distinguished set of educationists, when, in the course of the discussion on the question of compartmental examinations, I delivered a speech which lasted for one hour and thirty minutes. I have therefore every sympathy, but I would most strongly deprecate the attempt made by Mr. Mehrotra or anyone else to get this resolution passed in this Legislative Council. If this resolution is passed, the result will be that there will be absolutely no hope of any relief being granted by any of these two universities in the near future. And I have very good reason for saying this. I talked this morning with a very prominent member of the Lucknow Academic Council, and I have good reason to say that if the proceedings of today's meeting are sent to the Allahabad and Lucknow universities after Mr. Mehrotra has withdrawn his resolution, there will be every hope of the two universities considering the difficulties of students with sympathy. In fact at yesterday's meeting of the Faculty of Science the Dean of the Faculty pointed out that he had every sympathy; but, as that particular Ordinance, to which I have referred, had been at work only for a short time, it was not very desirable to legislate afresh for only three or four candidates. There is another point to be considered: it does follow at once that a student having failed in one subject could pass in that if allowed to reappear after three months. I know of one student who has been failing, failing, failing; he has failed four times in chemistry. He appeared in the B. Sc. examination of a certain University about five years ago and failed in chemistry and he has been failing and failing in chemistry ever since. In the Lucknow University it is quite possible that one or two of the unsuccessful candidates might pass if the examination is held within three months of the announcement of the results, but it does not follow that all students would consider the holding of that examination to be something on which they could congratulate themselves. I would, therefore, press

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Mr. Mehrotra to move a resolution like this one as a member of the Board of Intermediate education in the meeting of that Board, where the number of candidates is to be counted by thousands. I find about over two thousand students appeared at the intermediate examination in 1924 and 961 passed, so that the percentage of failures is very considerable. In the Lucknow university 97 appeared in the B. A. and if I may say so the majority of them passed. Therefore the misery in magnitude is greater in the case of intermediate candidates, and as a member of the Intermediate Education Board, I hope Mr. Mehrotra would move the board, and the strict gentleman who presides over the activities of that Board, to pass a resolution like this. If he does that, I as a member of the Academic Council of the Allahabad University, will move that body—in fact I shall do so unconditionally. I am going to send a resolution in a few days and this question will be considered in November. As regards the Lucknow University I have *practically* as little power in the deliberations of that body as Mr. Mehrotra has. I am not a member of the Academic Council and cannot be a member. Therefore my request to him and to my colleagues here will be a most earnest one, and that will be not to allow this resolution to be passed. The passing of a resolution means that you think that you can compel the university to make change in the ordinances. Sending up the proceedings of today would mean that you realize that you have got no right to ask the universities to do a thing, but you are sending up your opinion as you consider it desirable that you should ventilate your opinion in the body to which you belong, namely, the Legislative Council. With these remarks I resume my seat and I hope I have convinced every member that I am as much sympathetic to the student community as Mr. Mehrotra or anybody else.

Kunwar Jagdish Prasad : I listened to the speech of my honourable friend, the member for the British Indian Association, with considerable amazement and no little alarm. The whole question has been dealt with so fully by my honourable friend the member for the Allahabad University that I can only summarize and repeat the arguments he has put forward. The question that this House has to decide is, whether this is the proper forum for considering a purely academic matter of the nature which has been brought forward by my honourable friend? The other day in speaking to his resolution he said that this Council had passed an Act, and therefore it was open to this Council to send down any views that it held on any matter connected with the university.

Rai Bahadur Lala Mathura Prasad Mehrotra : On a point of personal explanation, Sir. I said that this Council had passed the Act and therefore it had every right to advise the university—not to thrust anything on the university but to advise the university.

Kunwar Jagdish Prasad : I said exactly what my honourable friend has said in language perhaps less camouflaged. I said that the honourable member's theory was that because the Provincial Council had passed the Lucknow and Allahabad University Acts it was open to this Council to send down its advice to the university. My first point is : what does the Act say in regard to a matter of this kind? Honourable members are aware that under the Allahabad University Act and under the

Lucknow University Act, questions of this kind can only be dealt with by Ordinances. And how are these Ordinances made? Ordinances dealing with the question of standard of examinations or the method of examinations are made by the Executive Council, but a draft of such Ordinances must be made by the Academic Council before it is considered by the Executive Council of the University. We have laid it down in the Act that the Executive Council has no power to amend the Ordinances sent up by the Academic Council; it can reject them or send them back; it cannot amend them on its own initiative. Ordinances affecting the standard of examinations and the method of examinations are to be sent up to the Executive Council by the Academic Council. Further, when the Executive Council has made an Ordinance it has to go before the Court and even if the Court approves of it the Chancellor has got the power to disallow it. That is the Act as it stands. We have taken very great care that in regard to academic matters the Academic Council should have a very great voice in advising the Executive Council. The proposal of my honourable friend is, that in spite of these provisions that we have made to safeguard the academic interests of the university, that in spite of the existing sections of the Act dealing with this matter, we should take this unheard-of course and sit down here and discuss the questions as to how compartmental examinations should be held, at what time they should be held, who should be the examiners, and what should be the cost of holding them—that we should discuss all these questions of a purely academic character—questions which the Act recognizes are purely of an academic character—in this House and send our advice to the University. May I inquire from my honourable friend who is a member of the Court of the Allahabad University—I mean Pandit Nanak Chand,—whether, when the Ordinance of the Allahabad University on the subject came up before the Court—I think the Ordinance about compartmental examinations was made in 1923—any dissentient voice was raised, whether any of the members, who have got the interests of the graduates as much at heart as my honourable friend has, raised any objection to the Ordinance? The Ordinance of the Lucknow University was sanctioned in August last and the meeting of the Court was held in March this year; but not a word was said about this Ordinance so far as I am aware. Is it right that an Ordinance which was approved of by the Court in March this year should be upset by this House? That is exactly what the honourable member proposes to do here. The same thing holds good about the Allahabad University. If, as my honourable friend suggests, there is any ground for modifying this system, the right method is to raise the question at the annual meeting of the Court or to make the proposal in the Academic Council where this matter can be thoroughly examined. It is extremely difficult for the House to discuss a technical matter like this with any certainty as to its bearings. My honourable friend said something about compartmental examinations in other universities. The system is not the same in all universities. A purely compartmental system would be one in which if there are three subjects, for instance, in the B. A. degree you can pass in one subject at a time. That system only prevails in the Bombay University, I believe. That too, I believe, has been modified recently. Well, in the Madras University a slightly different system prevails for the B. A. and B.Sc. examinations. There the subjects for the B. A. and B.Sc. examinations are split up into two

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groups and you can take up one group at a time. In the Punjab, Allahabad, Dacca, and Lucknow Universities the system is quite different. You must take up all the subjects simultaneously. You must pass in all subjects but one and reach a standard considerably higher than the ordinary pass standard in those subjects—that is to say, Sir, if there are three subjects, a candidate must take up all the three subjects and in two of them he must obtain a higher proportion of marks than required for a pass and in the third subject he must obtain a certain minimum before he can pass in that subject in a subsequent examination. This concession is only available for a limited period. Honourable members will see that the systems in the Punjab, Dacca, Allahabad, and Lucknow Universities are quite different from the systems in Madras and Bombay. I say, therefore, that these are very technical matters—the question whether the present system should be modified, in what way it should be modified, and whether it can be modified without lowering the standard—these are matters which should be left entirely to the University. After we have laid down in the Act the principle that, in regard to academic matters, the universities are autonomous bodies and that the Academic Council should be consulted with reference to academic matters, I think, Sir, we will be going behind the spirit of the Act, behind what we have already done in this Council by passing these Acts, if we now interfere in purely academic matters, in the manner suggested by my honourable friend. I am afraid, although I think this is an interpretation which will be resented, that this is a purely electioneering resolution. My honourable friend has to meet the electors at the end of this year and he thinks that he must have something to his credit.

Mr. A. H. Mackenzie : I am to add nothing to what my honourable friends have said in regard to the question of procedure. I am merely to put before the House as a practical body of men certain practical considerations. First of all, a word or two briefly about the first part of the resolution; the practical consideration which I should like to put to the House is that even if there are few candidates there must be fairly elaborate arrangements for examination: examiners have to be appointed, question papers set, question papers moderated, examinations held, and examination books corrected. According to the honourable mover's proposal, the bulk of this work for the supplementary examination will be done in the month of September. The House may not realize one very depressing fact about education in this country—that, on account of frequent interruptions due to religious holidays and other causes, the actual working year in our universities and in the higher classes of our schools is probably not more than 120 days. I consider that on that account our students are necessarily about two years behind the students of corresponding age in Western countries. It is therefore a very serious matter for this House or any other body to suggest anything which will involve a further inroad on the actual work of teaching done in the universities. Yet the honourable mover's proposal is one which will mean that there will be a serious interruption just at the opening of a new session when students and teachers are settling down to work. So much for the first part of the resolution.

My two honourable friends have not dealt with the second part of the resolution, as it relates to schools. I should therefore like to deal with it at some length. The honourable member, I think, has little knowledge

of the methods now adopted in schools for promoting pupils from class to class. Things have improved considerably since he was at school. His resolution implies that promotions from class to class are made on the results of a single examination; but that is not the case. Promotions from class to class are made not only on the results of one examination, the so-called annual examination, but also on the results of terminal examinations held throughout the year, on the opinion of the teachers regarding the pupil, on the exercises he has done in the class from day to day—in fact on his work throughout the whole year. In order to convince my friend that he was not up to date in his knowledge on this matter, I brought with me to Council when the question was first raised certain statistics regarding the Sitapur district, which I thought would appeal to him. Thinking, in ignorance of the standing orders, that his resolution was dead, I did not bring that material with me today. But, speaking from memory, I think that if my honourable friend will look up the statistics in regard to the four high schools in the Sitapur district, he will find that at least 40 per cent. of the students who were promoted last year had not passed the annual examination; and that is true generally of schools throughout the provinces. Promotions are not made on the results of the annual examination in schools and intermediate colleges. Therefore, my honourable friend's proposal means that we should go back to the old system of rigid promotions and base these promotions on the results of an annual examination. That system has been abandoned as one which does not ensure regular work throughout the whole of the school session and as one which is unfair to students who on account of illness or some other reason fail in their annual examination.

There are other practical objections to this proposal. One obvious objection is that if a supplementary examination were held at the opening of the new session, admissions to the new classes would have to be postponed until it was over and students who had been promoted on the result of the previous session's work would be marking time until the results of the supplementary examinations are known. Thus there would be considerable confusion and waste of time at the opening of a school session.

There is objection also to a proposal like this on the ground of principle. Promotions from class to class are now matters which are in the discretion of the head master. The head master is responsible for them, just as he is for admissions to the different classes, for the arrangement of time-tables, for the allocation of work amongst teachers and other matters of that sort. The House surely does not wish that the department should interfere with the work of head masters in schools. I think that such a proposal would be contrary to the general policy of the House in regard to school matters. I think that what the House would wish is that, as far as possible, schools should be given freedom from departmental interference and that we should develop in head masters and principals powers of initiative, independence, and control by themselves. I therefore think that on grounds of principle the proposal is not one which should commend itself to the House. The line of progress in education is not in the direction of fettering the discretion of principals and head masters. I trust that the honourable member in view of the facts I have given will withdraw his resolution.

Rai Bahadur Lala Mathura Prasad Mehrotra: I am not convinced by the arguments advanced by the Government. I will first

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

of all deal with the arguments of my friend Dr. Ganesh Prasad Sahib. Both he and Education Secretary have misrepresented me in this House by saying that I am intimidating the universities of Lucknow and Allahabad. They failed to distinguish between the meaning of parts (a) and (b) of my resolution. By part (a) I want to throw out a suggestion to the universities and by part (b) I request the Government to change the rules. I never meant to interfere with ordinances of the universities. I was indeed surprised that the Dr. Sahib, being a member of the Academic Council for so many years, did not bring this resolution before that Council, but now he is about to do so in a month or so. If I had not moved my resolution in the Council, perhaps he would not have thought of giving notice for such a resolution. Men like him should not stand in the need of being reminded by an humble person like myself that it is in the fitness of things to bring such a resolution before the Academic Council. He opposed the resolution from beginning to end with the remarks that he had every sympathy with the resolution and that he was most sympathetic towards students. I think persons like him who oppose a thing by declaring that they are sympathetic, are very dangerous. He opposed the interests of the students and, at the same time, says that he has sympathy for them.

As regards the remarks of the learned Education Secretary (I do not find him on the opposite benches at present) that this resolution is an electioneering resolution, I *would most humbly submit* that it has nothing to do with the election of a member like myself, who represents the British Indian Association. Now I am further glad to inform him that I am again standing from the same constituency which has very little to do with a resolution of this type. It is simply meant for the welfare of middle class people and has nothing to do with my constituents, so this hint of his must have fallen flat upon the non-officials of this honourable House. As regards the arguments that have been advanced by my friend the Director of Public Instruction, I would just like to ask him if the students are promoted on the work they turn out throughout the year, how many students have been declared successful after not getting pass-marks in the School-Leaving Certificate and Intermediate examinations, and how many heads of the schools and intermediate colleges have been consulted to decide the fate of the failed students. I am sure he cannot quote a single example. This is all in theory but nothing in practice. If, however, he can quote examples, I will certainly be very glad to hear them.

Mr. A. H. Mackenzie : I rise to make a point clear which I made in my speech. I have pointed out that, in the district of Sitapur, from which the honourable member comes, a great number of students were promoted who failed in the annual examination, and the total number of those who had passed in the examination in that district was over 70 per cent.

Rai Bahadur Lala Mathura Prasad Mehrotra : I wanted to know about the students of the School-Leaving Certificate and Intermediate classes only and not of other classes. I say that the head masters and principals of schools and colleges are not consulted in annual university examinations, so what the Director of Public Instruction says, namely, that promotions are made on the work of students in their terminal examinations, is a dead letter. It is therefore certainly necessary in the

interest of students that such rules should be framed. As regards interference in admissions, I would submit that, as far as I am aware, practically nothing is done for a week or two at the commencement of a new session and supplementary examinations will not take more than three or four days. Besides that they are actually being held in some schools. So if all the schools hold them as a rule there will be nothing going behind the practice. I therefore appeal to the members of this House that they should pass this innocent resolution in spite of the fact that there is an organized opposition from the Government benches.

Hon'ble Rai Rajeshwar Bali: I had no intention of taking part in this debate after the position had been expressed so lucidly and eloquently by speakers on the Government benches and by the representative of the Allahabad University. But it appears that there are certain points on which the honourable mover of this resolution is a bit confused. Therefore I repeat again as clearly as I can the arguments advanced by the speakers who have spoken before me.

As regards the first part of the resolution, he has said that after all he has not tried to meet the arguments which have been advanced by Dr. Ganesh Prasad and the Education Secretary. He has only said (so far as I could follow him) that after all there is no harm if we advise the universities regarding this matter. I think that is not a question of little harm or no harm; it is a question of principle. The principle is clear, should we, the members of this House, or should any other body, which is not directly concerned with academic matters, interfere with the discretion of the academic bodies of these universities? When once we have passed the Act and have given all powers in the matter of Academic Council, is it right for us or for any other body to interfere with their discretion? If once we do it, it is quite natural that such an action would be resented by the Academic Council. If I were a member of the Academic Council I would certainly object to interference from outsider, particularly interference from this body. It means (though it was not clearly suggested) that, because we pay these universities, therefore we have a right to interfere. That is exactly the position which the House has decided not to take when they passed the Universities Act. There are certain matters, chiefly financial, in which we have control over these universities but in other matters, particularly academic matters, the university should be left entirely to do as it pleases.

As regards clause (b) of the resolution I think he has not correctly understood the position taken up by my friend the Director of Public Instruction. Intermediate examinations and school-leaving certificate examinations are public examinations and the examinations of the lower classes are examinations to prepare students only to appear in the public examinations. In all these examinations the head masters and principals are given the discretion to promote or not to promote a boy, and in promoting him or otherwise they always consider the record of the boy for the whole year. It may also be remembered that of the high schools in these provinces there are about 50 which are Government institutions, and about 125 which are private aided institutions. Does the honourable member desire that even in these private institutions the department should interfere and should fetter the discretion of the head master in a matter like this? The head master is in a position to know, after seeing the record of the

[Hon'ble Rai Rajeshwar Bali.]

student for two or three terminal examinations which are held in the year, whether he is to be promoted or not. If promotion is based entirely on the annual examination, then of course there might have been some justification for the purpose for which my honourable friend has brought forward this motion. But since, as has been pointed out by the Director of Public Instruction, the promotion of students greatly depends upon how he has conducted his work throughout the year, I do not think there is any cause for any legitimate complaint.

The resolution was put and negatived.

UNITED PROVINCES MUNICIPALITIES (AMENDMENT) BILL.

Mr. Muhammad Aslam Saifi: I move that the Bill to amend the United Provinces Municipalities Act, II of 1916, as amended by the United Provinces Act, II of 1919, be taken into consideration.

Sir, the Bill has been circulated amongst the honourable members and the object for which this amendment is sought to be made has been explained in the statement that accompanies the Bill. I will only briefly state that in the Act of 1916 no such provision was made as to when a vote of non-confidence is carried against a non-official chairman, what steps the chairman was bound to take, and as no such provision was made in the Act itself, the Government also were powerless to do anything in the matter. Sir, during the ten years that this Act has been in force, several such contingencies have arisen in the various boards of these provinces. I believe that the measure is a non-controversial one, and as it was circulated for opinion to the various members of the municipal boards I hope that it has the support of the municipal boards which are directly concerned. Of course, I am not in the confidence of the Government and I do not know what those opinions are. I am, therefore, only in a position to express the hope that they are in favour of this Bill. The position, Sir, at present is that chairmen of the municipal boards are not merely presiding officers of these institutions: they have certain executive functions also, as for example, supervision of the executive staff and also supervision of the finances of the board. It is, therefore, quite possible that once they are elected to this honorary office, there might take place differences both on personal grounds and on matters of principle. I do not take into consideration the personal grounds, but when differences of principle take place and the opinions of the boards are flouted and defied by the chairman, who is there by the vote of that very body, I think it is necessary that some modification should take place. Now, it is proposed to add a section or two to the Act and some minor consequential amendments. The amendments which are on the agenda paper in the name of the Hon'ble Minister in charge of the department themselves indicate that he has fortified himself with the opinions expressed by the boards. The quarrels that take place usually owing to differences between the chairman and the municipal board are more or less of a domestic nature and therefore they do not get publicity which they might have otherwise obtained in the press. In the annual report issued by the department of Local Self-Government there is hardly any mention of these incidents. Honourable members of this House might be aware that a vote of non-confidence

was passed against the chairman of the municipal board of Mussoorie. I am personally aware that there are certain other boards in this province where such differences had taken place, for example, Cawnpore, Hathras, Sikandrabad and several other places. One instance that came to my notice I think is both instructive and amusing. The chairman of an important municipal board sent up a resolution signed by the majority of that board and the resolution amounted to a vote of non-confidence. The chairman deliberately did not put it up on the agenda paper and informed the board that if the object of the members of the board who had signed the resolution and who had formed a majority, was to inform me that they had no confidence in me, then I have received that intimation. But if the idea was that they would like to carry this resolution in that board and would require me to submit my resignation and give up this office, then I am not going to do anything of that kind. Therefore that is the position at present. I think when the boards were de-officialized for the first time in 1916 no such contingencies could have been anticipated, and I think it was right and proper that the new non-official chairman should have been protected in this respect. I have now had ten years' continuous experience of the working of this Act and I am glad to say that at least my board was never involved in any such unpleasant controversy between itself and the chairman, but still we think that a convention as regards this matter is needed to meet such cases that might from time to time arise. It is a move in the right direction. It is not right for me at this moment to refer to the Municipalities Act, 1916, but in all democratic institutions the position of its Head depends upon the confidence that he enjoys of the constituency to which he belongs. I hope therefore that the House after having taken these points into consideration will pass this Bill.

Khan Bahadur Hafiz Hidayat Husain: Will the Hon'ble Minister for Local Self-Government let us know whether the Bill has been circulated for eliciting public opinion?

Hon'ble Nawab Muhammad Yusuf: At the time when the honourable mover introduced the Bill I pointed out that the Bill was not circulated for public opinion. I also informed him that we had invited the opinions of the boards but had not received them. No doubt some of the boards have now sent up their opinions, but the opinion of the public generally has not been obtained.

Mr. H. David: As an outsider and onlooker I differ from my honourable friend the mover of this Bill. It is only the two institutions, the municipal board and the district board, in which we have got what we call local self-government and it is a pity that before we have sufficiently strengthened our position and before we have had sufficient experience of these bodies . . .

Hon'ble the President: Before the honourable member proceeds I should like to know what exactly his position is—whether he opposes the Bill or moves an amendment.

Mr. H. David: I oppose the Bill. It seems to me that the amendment of my honourable friend, if accepted, will go a great way to strengthen the position of mischief-makers. He has given instances of five municipal or district boards in which such an occurrence has taken place.

Mr. Muhammad Aslam Saifi : I did not refer to district boards.

Mr. H. David : He added several others without naming them. So far as we know, such instances have not been so numerous and so frequent as to necessitate the introduction of this Bill. I think that this Bill, if passed, will give rise to conspiracies and bickerings in municipal boards instead of making them work peacefully and smoothly. There are already parties based on religious and political grounds and they will now constantly fight and there will be revolution in those bodies. Therefore I think that we should not be so hasty in accepting this amendment. The Act has not been before the public for long and the instances pointed out by my honourable friend the mover have not been so many as to call for a drastic measure like this. I therefore oppose this Bill.

Khan Bahadur Maulvi Fasih-ud-din : I am rather surprised to hear the opposition of the honourable member on my right to this most innocent measure that has been brought forward by the honourable member on my left. Sir, it is very natural that a gentleman may be selected as chairman of a municipal board and later on he may prove to be incompetent; he may disregard the opinion of the majority of the members of that board and may ride rough-shod over them, and he may prove himself obnoxious not only to the board but to the general public at large, and in these circumstances it is but right that the chairman of a democratic institution like the municipal board should be compelled to give up his post, both as a matter of self-respect for himself and as a matter of sound policy, if he is found not to possess the confidence of the majority of members. It is nothing but shamelessness on his part to continue in his office, and there are many instances of this kind in these provinces. Mr. David says that the cases of abuses of this kind have not been numerous enough, but I submit that even if there is only one case of this kind in the whole province, it is quite a sufficient justification for amending the law on the subject and for removing this defect. With these few remarks I support this Bill.

Khan Bahadur Shaikh Masud-uz-Zaman : I support the measure brought forward by my honourable friend Mr. Aslam Saifi. I was really surprised to find that there was a discordant note with regard to a measure which was demanded by the public. Although the Hon'ble Minister for Local Self-Government has just said that the Bill has not been circulated sufficiently in order to elicit public opinion, the municipal boards, so far as I know, are generally in favour of it. The only difference that was there was with regard to the point as to what should be the requisite majority to pass a vote of censure on the chairman. The exact situation that arises after the elections is this. As soon as elections are over, most of the members elected are altogether new and they elect as their chairman very frequently a person about whose work they have no experience. If after some time the chairman finds that his position as such is secure and if he knows that he cannot be ousted, he would hardly care for the opinion of the board, but if he knows that if at any time a vote of censure could be passed against him the effect of which would be that he would have to resign, the result will be that he will act according to the wishes of the majority of the members. It is said that there are conspiracies and that there will be conspiracies. Admittedly there are conspiracies already existing and it adds to

the secured position of the chairmen that these conspiracies continue for three years. Such conspiracies arouse regular enmities and party feelings. I think it will be better to end these conspiracies if public opinion goes against the chairmen. Most of the conspiracies in the board, I admit, are due to the fault of the chairman himself. If he keeps himself to the majority he will always be secured and will be on the alert to do according to public opinion. Apart from the fact that this measure will suppress the conspiracies, it will also ensure the chairman from time to time working according to public demand. There will be one other good and that will be that the chairman will work very cautiously. Sir, in the end I will just point out that the two municipal boards that have passed the vote of censure have passed it in the expectation that their chairman will resign. If the other boards have not passed any such votes it is because they know that the vote of censure will do no good. If it were known that the chairman will have to resign on account of their passing a vote of censure they would have been prepared to pass it.

Raja Narayan Pratap Singh: Are the municipal boards so unpopular?

Khan Bahadur Shaikh Masud-uz-Zaman: Municipal boards are not unpopular. It is the chairmen who are unpopular. I think no self-respecting man would like to remain as chairman of a board which does not approve of his conduct in any way. On the other hand I think that if a chairman is popular he will always keep his majority and will always be respected. If a chairman does not command the confidence of his board, then it is better for him to resign, both for his own good and for the good of the public. With these words I support the motion.

Hon'ble the President: The honourable mover has been discussing the merits of the Bill. The motion before the House is that the Bill be taken into consideration. The merits of the Bill will come up later when we come to the third stage. At present we are discussing only that the Bill be taken into consideration.

Rai Bahadur Babu Ram Nath Bhargava: There is a motion of amendment in my name. First I want to know whether I can say some words against this motion or not?

Hon'ble the President: Yes, certainly.

Rai Bahadur Babu Ram Nath Bhargava: I think I should say a few words on the subject, but my difficulty is that as being a chairman of a municipal board, it may be thought that for personal reasons I am opposing this motion. I have an experience of twenty-five years of these municipal and district boards, and besides I am also acting as chairman of the municipal board and district board for the last seven years. I know well what the position of a chairman is. I am surprised to hear that there is such great necessity for bringing this drastic measure before the Council, for I have never from my experience found that members were themselves so keen and had cause about the removal of their chairmen. The boards have only for the last seven or eight years been permitted to elect their own non-official chairmen and this agitation is only about three years old, this business of a vote of no confidence. First they brought such motion in Bengal and the Central Provinces and later here too, as honourable members are

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aware, my swarajist friends on the first day of the meeting of this Council brought this motion of non-confidence against the Ministers. So since this thing is going on in the Council the members of boards are also following suit. I can say that no self-respecting chairman when he sees that he does not command the confidence of his members will continue to remain in office. He will at once resign. As far as my experience goes, members are always very obliging and willing to do everything the chairman desires. They may on some occasions differ in opinion, but this is inevitable. There is also section 48 of the Municipal Act which gives power to members to ask any number of explanations from the chairman. There is power reserved to Government when any chairman neglects his duties or does anything undesirable, to ask him to explain his conduct, and, if necessary, to remove him. If members when they are against their chairman to this extent, why do they not come forward and why do they simply remain content with votes of non-confidence? I myself think that a vote of non-confidence is not enough for a defaulting chairman, he should be put to task. Therefore, not from personal interests, but with an eye to the interests of the boards and of the public both, I say this measure is undesirable at present.

If it is adopted, chairman after chairman will find himself in the same difficulty and the work of the boards is sure to suffer. Now, all the members are elected every three years, most of the members of the boards come quite new to the work; the chairman of a board alone can realize the difficulties of this position. I can say that during my seven years' chairmanship on the boards I have never as chairman liked to give a casting vote, or had any occasion to find myself to go against the wishes of the members, if they were reasonable. Nor have I heard of any such unpleasantness among the members and chairmen of other municipalities, therefore, I think such amendment unnecessary at present and oppose it.

Mr. Muhammad Aslam Saifi : There are certain mentalities which see red in every reform, however urgent or pressing or progressive it might be, and (I am glad Mr. David is walking quietly into the chamber) I am sorry to say that my honourable friend Mr. David belongs to that category. Mr. David opposed this consideration of the Bill today as an outsider. I think he has been outside these boards for so long that his opinions have become fossilized. He has no idea of what actually takes place inside municipal boards under the Municipalities Act of 1916. He thinks this measure will increase the number of mischief-makers. I am sorry to hear that the honorary members of municipal boards who are elected by the public to serve their various cities and boards are to be classed as mischief-makers on the floor of this House by an honourable and learned member of the Council. My friend who sits behind me, Rai Bahadur Pandit Ram Nath Bhargava, who has had very long experience of district boards and I suppose quite a long experience of municipal boards also, has discussed the matter at length, but I regret to say he has not brought forward one single point which could be considered seriously. He fights shy of this Bill because it is novel. Well, Sir, the Act of 1916 when it came into force was a novel thing, but he raised no objection; when the franchise

with regard to municipalities was increased he made no objection, but now that an important improvement is desired to be made he objects. He introduced a question of principle, which I fail to see. The position remains the same. Any majority in a municipal board today can bring forward a vote of now confidence, but there it will have to stop because the chairman can defy it and can go on defying it until doomsday. The only change required to be made now is that the vote of non-confidence should be effective. I think the House after having heard the two opposition speeches and the speech in favour of the Bill made by Khan Bahadur Maulvi Fasih-ud-din, would realize that this is a very imperative reform and it has been needed for some time. I could have mentioned specifically four or five cases, and not only that, but all the details of these cases, but I did not do so merely to save the time of the House. I therefore request the House to pass the consideration of the Bill today.

The motion that the Bill be taken into consideration was put and adopted.

Hon'ble the President: We shall go on now with the clauses of the Bill. I shall read the clauses word by word and those who have got amendments to propose will take their chance in the usual manner. The preamble and title will be taken up last of all.

CLAUSES 1 AND 2.

Hon'ble Nawab Muhammad Yusuf: I beg to move that for clauses 1 and 2 of the Bill the following be substituted:—

2. For clause (d) of sub-section (2) of section 46 of the United Provinces Municipalities Act, 1916, hereinafter referred to as the said Act, the following clause shall be substituted, namely:—
Amendment of section 46, United Provinces Act, II of 1916.

(d) Where such chairman is appointed to fill a casual vacancy in the office of chairman the residue of the term of office of the person whose place he is appointed to fill.

This is merely a matter of re-drafting. I have tried to re-draft clauses 1 and 2 with a view to further simplify and amplify the clauses and give legal form to it. By doing so, while fully achieving the object in view, we shall be giving the Bill a better legal form. I do not think that more words are necessary to commend this amendment to the House.

Amendment agreed to.

Amended clause ordered to stand part of the Bill.

CLAUSE 3.

Hon'ble Nawab Muhammad Yusuf: Will you allow me, Sir, to move my amendment No. 9, as that will obviate the necessity of amendments in the name of Rai Sahib Lala Jagdish Prasad Sahib, because my amendment fully meets the object in view.

Hon'ble the President: You can move it when we come to clauses 3 and 4.

Hon'ble the President then called upon the Hon'ble Nawab Muhammad Yusuf to move the amendment.

Hon'ble Nawab Muhammad Yusuf: I beg to move that for clauses 3 and 4 of the Bill the following clause be substituted :—

Insertion of new section 47A in the United Provinces Act II of 1916. 3. After section 47 of the said Act the following section shall be inserted, namely,—

" 47A. If a board has passed, by a majority consisting of not less than one half of the members of the board for the time being, a vote of non-confidence in its chairman (not being an *ex officio* chairman), and at any subsequent meeting, held not less than three weeks nor more than three months subsequent thereto, has, by a majority consisting as aforesaid, adopted a resolution calling upon him to resign, such chairman shall, within three days of receipt of notice that such resolution has been adopted, submit his resignation in the manner prescribed by section 47."

The honourable members will see that, as section (3) stands, even if the minimum number of members are present at a meeting they can pass a vote of censure and call upon the chairman to vacate his seat. That would not be fair naturally because circumstances are likely to arise where a chairman who has got a majority with him may be turned out or may be liable to a vote of censure being passed on him due to certain circumstances. Therefore with a view to safeguard that position I thought it fit to bring in this section and I have left section 47 as it is. Sir, I have put the number as one-half. The majority is to consist of one-half of the members of the board for the time being.—I must make it clear to the House that the number present must be one-half of the total number and not the members present at the meeting. This, I think, ought to be regarded as sufficient safeguard against possibility of the chairman who has got the confidence of the majority of members of a certain board likely to be subjected to a vote of no confidence.

There is another thing I wish to point out in this connexion. It is this : No subsequent meeting can be held calling upon the chairman to resign before three weeks have expired. No doubt any time before three months after the expiry of three weeks a motion can be brought calling upon the chairman to resign and the chairman will have to resign within three days. It was thought fit that at least three weeks should elapse before a subsequent meeting is held calling upon the chairman to resign. This will also meet the object of the amendment of my friend Rai Sahib Lala Jagdish Prasad. Therefore, by moving this motion I have fully met the wishes of my friend Rai Sahib Jagdish Prasad as proposed in the amendments Nos. 4 and 7. It is hardly necessary for me to further emphasize the importance of this safeguard. I hope the House will recognize that some such safeguard is necessary. If the House thinks that the number one-half should be raised to two-thirds I shall have no objection. But that is a matter for the House to decide and I shall be only too ready to accept any amendment that may be proposed with that object in view.

Khan Bahadur Hafiz Hidayat Husain : Is it open to honourable members to move amendments to this amendment ?

Hon'ble the President : Yes.

Khan Bahadur Hafiz Hidayat Husain : Then I beg to move that for the words " If a board has passed, by a majority consisting of not less than one-half of the members of the board for the time being " the following words be substituted :—" If a board has passed by a majority of members present at the meeting, consisting of not less than two-thirds of the members of the board for the time being."

Hon'ble the President : Does any honourable member object to this amendment being moved ?

Mr. Muhammad Aslam Saifi : I object to it.

The amendment was therefore disallowed.

Mr. Muhammad Aslam Saifi : I have very carefully considered the amendment of the Hon'ble Minister in charge of this department and I have also listened very carefully to the speech when he explained the position. I find myself in entire agreement with him and I have, therefore, no objection to the amendment being accepted by the House.

Hon'ble the President : It is for the House to accept the amendment.

Amendment agreed to.

Amended clause ordered to stand part of the Bill.

CLAUSE 4.

Hon'ble Nawab Muhammad Yusuf : I beg to move that the following be inserted as clause (4) of the Bill :—

Amendment of section 48 of the United Provinces Act II of 1916. 4. For sub-section (2) of section 48 of the said Act the following sub-section shall be substituted :—

(2) The Local Government may remove a chairman from his office on the ground of habitual failure to perform his duty or failure to submit his resignation as prescribed by section 47A.

This is a new clause, but the necessity for it is very keenly felt.

At present there is no provision by which the Government can remove a chairman in whom a vote of non-confidence is passed. In spite of the fact that a vote of non-confidence is passed, he can continue to be in office and ignore the Government. Under the amendment that I have proposed, the Government will have the power of removing a chairman if he refuses to tender his resignation. Under section 48, the House will see that Government can only remove a chairman on the ground of his habitual failure to perform his duty. Under the present amendment Government will have the power of removing him on failure to submit his resignation. I hope that the House will agree with me and accept the amendment.

Khan Bahadur Shaikh Masud-uz-Zaman : Although I am not opposed to this amendment, I think that it is superfluous. In the amendment the word "shall" has not been used, and I think that it means that if a chairman fails to submit his resignation, the Government cannot by other sections force him to do as is provided in the Act. Unless the Government want to repeat this phrase for their powers to remove a chairman already provided for under other sections of the Act, that is, the local Government may remove a chairman from his office on the ground of habitual failure to perform his duty, I do not think that the last phrase "as prescribed by section 47A" will govern the former phrase. Therefore the amendment seems to me to be perfectly superfluous.

Pandit Nanak Chand : This amendment, as has been pointed out by my friend Mr. Masud-uz-Zaman, will unnecessarily introduce official interference in local affairs.

Khan Bahadur Shaikh Masud-uz-Zaman : I rise to a personal explanation. What I meant was that the power already existed under other sections and the present amendment was therefore superfluous.

Pandit Nanak Chand : If the power already exists under other sections then it is not clear for what reasons the Government want to have this superfluous additional power. By adopting the proposed amendment, we would be introducing a provision which would require a chairman to submit his resignation after a vote of censure or of non-confidence is passed.

Hon'ble the President : Should not the Government provide for a contingency when a chairman refuses to submit his resignation ?

Pandit Nanak Chand : I would not object to the amendment if it runs as follows :—"The local Government may remove a chairman from his office on the ground of failure to submit his resignation as prescribed by section 47A."

Hon'ble the President : The Government have already got power to remove a chairman on the ground of his habitual failure to perform his duty under section 48(2). The present amendment is to provide against the contingency if the chairman refuses to resign under new section 47A.

Pandit Nanak Chand : If it is so . . .

Hon'ble President : There is no question of "if it is so."

Amendment agreed to.

Amended clause 4 ordered to stand part of the Bill.

CLAUSE 5

Hon'ble Nawab Muhammad Yusuf : I beg to move that for clause 5 of the Bill substitute the following :—

5. In schedule I of the said Act, after the entry relating to section 43, the following entry shall be inserted :—

"47A. To pass a vote of non-confidence in or to call for the resignation of its chairman."

This is simply a consequential amendment and it is absolutely necessary that section 47A be included in schedule I.

Amendment agreed to.

Amended clause 5 ordered to stand part of the Bill.

CLAUSE 1,

Hon'ble Nawab Muhammad Yusuf : I beg to move that a new clause 1 be inserted :—

1. "This Act may be called the United Provinces Municipalities Amendment Act, 1926."

Amendment agreed to.

Clause 1 ordered to stand part of the Bill.

PREAMBLE.

Hon'ble Nawab Muhammad Yusuf : I beg to move that for the Preamble substitute the following :—

Whereas it is expedient further to amend the United Provinces Municipalities Act, 1916, for purposes, hereinafter appearing ; It is hereby enacted as follows :—

Preamble.

I have sought through this amendment to improve and further give legal form to the preamble. This, I hope, will be accepted by the House.

Amendment agreed to.

Preamble ordered to stand part of the Bill.

Mr. Muhammad Aslam Saifi : I beg to move that the Bill to amend the United Provinces Municipalities Act, II of 1916, as amended by the United Provinces Act, II of 1919, be passed.

I have very little to say in further support of this Bill which has already received the almost unanimous support of the House. It is a very unique coincidence that I find that this Bill was drafted by no less a person than yourself, Sir, when you occupied the non-official benches and that it should be passed while you are occupying the presidential chair. I will disarm any suspicion that there may still be in the mind of any honourable member. It is a very innocent measure and it will be helpful to the improvement of municipal administration, especially so far as the relations of the non-official members and the chairmen of the municipal boards are concerned.

Hon'ble Nawab Muhammad Yusuf : I should like to make one point perfectly clear. This is a non-official Bill, and, as the House did not see its way to refer the Bill to a select committee, I was compelled to move the amendments which were absolutely necessary to improve the Bill. I hope it will be recognized that the Government does not regard itself as the sponsor of this Bill.

Khan Bahadur Hafiz Hidayat Husain : Does it make any difference if the Government does not regard itself as the sponsor of the Bill?

Bill passed.

RESOLUTION *re* PAY OF TAHSILDARS.

Khan Bahadur Maulvi Fasih-ud-din : I beg to move—

That this Council recommends to the Government to be pleased to grant time-scale pay to the tahsildars and naib-tahsildars of these provinces and to raise their minimum and maximum pay to Rs. 200 and Rs. 350 and 150 and Rs. 250 respectively.

Sir, this resolution of mine, I submit, is as simple as it is sound, and I hope that I will carry it through if the Government sympathetically considers the case of that class of officers whose cause I am espousing this morning on the floor of this House. A few days ago during the debate on the budget I brought forward the question of the grant of time-scale of pay to naib-tahsildars and tahsildars, and the Hon'ble the Finance Member could only say in reply that as a matter of principle time-scale of pay could be given only to those classes of employes whose promotion was slow and tardy and that the naib-tahsildars and tahsildars did not come in that category, because while they could get promotion to a higher class of service, namely, tahsildarship and deputy collectorship. Their grade promotion was easy enough. Sir, if we were to examine this argument a little carefully we will find that it is more in the nature of a special pleading for those services which have got the time-scale rather than a justification for withholding it from the less fortunate services. The first and foremost thing that strikes one in this connexion is that while the cloak of time-scale of pay should fit very well on the Indian Civil Service and other Imperial Services with high emoluments and unlimited prospects, it should not do so on the less fortunate subordinate executive service. It is really wonderful that the stronger services should find it necessary to seek the protection

[Khan Bahadur Maulvi Fasih-ud-din.]

of time-scale, whereas the weaker services should not be allowed to do so. I think that as a matter of principle it is a great inconsistency; it is a great anomaly that the steel-frame service and, for the matter of that, even the bamboo-frame Provincial Service should be allowed to guard themselves against the increased and increasing cost of living and against a tardy promotion by means of time-scale, while naib-tahsildars and tahsildars who actually form the main spring of administration and who are as it were the primary source of the prestige of the collector and, through him, of the Government should be debarred from this ordinary privilege. Is this so, because naib-tahsildars and tahsildars are voiceless or is this so because might is right? When we go down to the lower rungs of the ladder we find that even the pettiest officials of all the blessed departments of the Government even the most tu'penny ha'penny man who has the proud privilege of drawing his pay from the Government treasury gets the benefit of the time-scale, but not naib-tahsildars and tahsildars. Let me now come to closer grips with this question and consider the facts and figures in this connexion. I find that there are about 240 naib-tahsildars and over 200 tahsildars in this province. The exact number of tahsildars given in the Civil List is 204, besides 19 who are on special duty. Out of these between six and eight naib-tahsildars are selected every year for tahsildarship and six tahsildars are selected for deputy collectorships, the average being between two and three per cent. In other words, out of every 40 men that there are, only one has a chance of recruitment every year. We find that annually a large number of tahsildars and naib-tahsildars—about 40—50 tahsildars and 50—60 naib-tahsildars—come to Lucknow from long distances and from the interior of the province in order to have themselves inspected by the Board of Revenue at the cost of the tax-payer, but I am sorry to say that the result is that nine out of every ten go back disappointed, disgusted and disaffected. Some of the nominees have to come three or four times, even five or six times, backed up with strong recommendations of their collectors and commissioners. But, it often happens that a senior man gets himself nominated for the first time, and these nominees of five or six years lose all their chance and all their troubles are love's labour lost. This is a farce which is being repeated every year, with the inevitable result that there is an increased dissatisfaction amongst these officers and a decrease in the prestige of collectors and this is being done to the discomfiture of the loyalist and to the great satisfaction of the extremist who wants to lower the prestige of the Government and who wants to exterminate it root and branch. Considering this state of affairs I think that the present system requires a radical change. Of course, we cannot recall those days when a collector's writing was considered to be immutable; when it was considered to be an inscription on stone, when a collector like Mr. Cadell could say that "Cadell Pass" could give a stronger claim for service than any other pass in the world. We cannot recall those days in the twentieth century, but at the same time I ask how long will this policy of fomenting dissatisfaction amongst this loyal class of servants and of decreasing the prestige of the collector almost every year continue. I admit that only a limited number of posts can be allotted to naib-tahsildars and tahsildars, but then there should be only a limited number of nominations too. It is no use raising false hopes in the minds of so many people and

saying that there is a wide and sufficient opening for this class of people in the matter of their appointment as tahsildars and deputy collectors, respectively.

Now, I come to the most vexed question of a block in grade promotion or an easy flow of promotion amongst tahsildars and naib-tahsildars. I find that there are four grades of naib-tahsildars, i.e., first, second, third, and fourth. The fourth grade carries a pay of Rs. 100, the third a pay of Rs. 115, the second, a pay of Rs. 130, and the first a pay of Rs. 150. The Civil List shows that it takes at least five to six years and sometimes seven years for a naib-tahsildar to be confirmed as a pacca naib-tahsildar and then it takes six to seven years to cross the barrier of Rs. 100 and on the whole a naib-tahsildar ought to take thirty years to cross into the first grade according to the present arrangement. The worse is the case with the tahsildars. There are four grades of tahsildars also and the figures that I will quote will speak for themselves about the flow of promotion. I am not speaking of the selection grade in this resolution of mine. I find that in the first grade there are 27 places for tahsildars, in the second there are 45, in the third 61, and in the fourth 67. These numbers will indicate that there ought to be a block in the promotion of these officers in the natural order of things, and as a matter of fact I find that the tahsildar holding the lowest place in the last grade takes at least seven or eight years to go beyond that grade, which consists of 67 posts, and similarly it takes another seven years for him to rise from the third to the second grade and so on. The result is that according to my calculation it should take him thirty-two years to reach the first grade. This point will also be supported by other figures. I notice that the first man in the first grade, Babu Devi Prasad of Budaun, has been rotting in the first grade and waiting for his selection grade since October 1, 1919. Similarly, there is a tahsildar in the second grade since November 2, 1916, that is, for the period of nine or ten years. There are others, too, who are in each of the lower grades for the last seven or eight years. If we were to take an average of six years, even then it will take a man at least thirty years to reach the selection grade. I put it to you, Sir, is this theory of the flow of promotion correct? Does this arrangement afford a bright look-out? Does it give a fair chance of promotion? I think not.

Now, Sir, I come again to the question of the general condition of the naib-tahsildars and tahsildars. I think that their condition is as pitiable as one could possibly imagine. Their position is almost nil. Most of the collectors do not allow the naib-tahsildar to sit before them, while the tahsildar has to humour the exacting orderly and the ubiquitous khansamah before he can find an entrance to the room of his boss. If troops happen to come to his tahsil he stands the golden chance of being horsewhipped by the pettiest menial.

Hon'ble the President : This is entirely outside the scope of your resolution.

Khan Bahadur Maulvi Fasih-ud-din : I now come to pay of tahsildars. I admit that only some years ago the pay of naib-tahsildars and tahsildars was raised and the minimum pay of naib-tahsildars was raised from Rs. 60 to Rs. 100 and of the tahsildars from Rs. 150 to Rs. 190. Apparently this is a good rise, but we should not forget the fact that the

[Khan Bahadur Maulvi Fasih-ud-din.]

original pay of these officers was much too low. I remember that in 1913 His Excellency Sir William Marris stated before the Royal Commission that about 60 per cent. tahsildars and naib-tahsildars were corrupt. But I submit, Sir, that when you give such important work to a class of officer and pay him so niggardly, the natural result cannot be otherwise. It is a matter of great satisfaction that since His Excellency made that remark conditions have improved, and that the system of recruitment has also improved. But still it is a bad policy to keep these officers on such a low pay, officers who have to realize as much as seven and a half crores of rupees every year, who have got the neck of the biggest landlord in their hands, and who deal directly with the mass of ignorant and illiterate agriculturists. It is for this reason, Sir, that I appeal to those who are responsible for keeping the naib-tahsildars and tahsildars in this depressed condition. I appeal to them to very kindly revise the policy of increasing the discontent amongst this large class of officers who stemmed the tide of non-co-operation only a few years ago at the risk of their reputation and even at the risk of their lives, and who did yeoman service during the great war. To keep them discontented and not to give them their due will be a very bad policy indeed.

The Council here adjourned for lunch.

After the recess—

Hon'ble Sir Samuel O'Donnell : A great deal of the speech of the honourable mover was taken up with matters that seemed to me to be either irrelevant, or at the best only remotely relevant to the matter under discussion. I am referring to his remarks on the method of selecting tahsildars for deputy collectorships, and the treatment, according to him, meted out by collectors to tahsildars. I have only one remark to make regarding this part of the honourable member's speech. The honourable member was himself a district officer, and it is very regrettable that a member who has held that position should get up in this Council and make the charges he has made against the whole body of district officers. Moreover, the honourable member has told us that in the district of which he was district officer it was not the practice to deal thus with tahsildars. Are we to understand, Sir, that the honourable mover was the one shining exception in the whole body of district officers, that he alone did not treat badly tahsildars and naib-tahsildars? If that is his contention, I am not prepared to accept it. I have no doubt whatever that the other district officers were as considerate in their treatment of tahsildars and naib-tahsildars as the honourable member claims that he himself was.

Khan Bahadur Maulvi Fasih-ud-din : A point of explanation, Sir. I said that some district officers did not give a chair to naib-tahsildars.

Hon'ble Sir Samuel O'Donnell : I understood him to make a charge of a general nature. He referred to the khansama and the peon, and it seemed to me he was making a general charge against the whole body of district officers.

Khan Bahadur Maulvi Fasih-ud-din : That was not meant to be a reflection against the district officer.

Hon'ble Sir Samuel O'Donnell : I am glad to accept the honourable member's explanation, Sir.

Now coming to the question of pay, I pointed out during the budget discussion that a time-scale of pay was appropriate in a service in which

blocks in promotion are likely to occur. I understand the honourable mover does not dispute that proposition. But he went on to suggest that the time-scale of pay has not been introduced for tahsildars and naib-tahsildars, not because on the merits it was unsuitable, but for some reason or other which was not very clear to me, apparently because he thought there was some prejudice against tahsildars and naib-tahsildars. And he went on to refer to the fact that there are time-scales for the all-India services. In almost the next sentence he admitted that there are time-scales for the provincial service, and also time-scales for the subordinate services. It is clear therefore, on his own showing, that it is not a question of favouritism, that it is not a question of giving certain services a concession which we have refused to others. The only reason why a time-scale has not been introduced for tahsildars and naib-tahsildars is the one which I gave in the budget discussion, that, so far from the flow of promotion being exceptionally slow in the case of these officers, it is exceptionally rapid. There are, Sir, 213 tahsildars on the cadre, and the average wastage due to promotions, deaths, retirements and so on is 21 per annum, which means that the whole cadre is renewed in ten years. I have here a calculation made some years ago which shows that a tahsildar on the average, in the year 1921, reached the second grade in six years and the first grade in thirteen years from the date of his confirmation. Practically at that time in thirteen years either a tahsildar had reached the first grade on Rs. 300 or he had obtained promotion to a deputy collectorship. I admit that that calculation may be a little out-of-date for the reason that at that time we used to take ten and nine tahsildars in alternate years for promotion to deputy collectorship, and we now take eight. But allowing for that difference, it is clear that it will not take a tahsildar more than fifteen years to get from the bottom to the top. Therefore, promotion, far from being slow, is very rapid. The same is the case with naib-tahsildars. There are 221 naib-tahsildars and the average wastage per annum is 25, so the whole cadre is renewed in nine years.

Then, Sir, as regards the scale of pay, the honourable mover has omitted to notice that introduction of the scale suggested by him would have one very anomalous result. He says that a naib-tahsildar should start on Rs. 150 and rise to Rs. 250, and proposes that a tahsildar should start on Rs. 200 and rise to Rs. 350. I understand that he would also keep the selection grade of Rs. 360 or some other figure which he has not mentioned. It is clear, however, that a senior naib-tahsildar on Rs. 250 would be drawing more pay than a tahsildar in the fourth grade or a tahsildar in the third grade, and the same pay as a tahsildar in the second grade. That is, in many cases the naib-tahsildar would be drawing more pay than the tahsildar whom he would be serving under. Apart from that, I cannot see any ground whatever for increasing the scale of pay. The scale was revised in the year 1920. Naib-tahsildars then received an increase of 50 per cent. in their pay. The increase in the pay of tahsildars was less; but it was substantial. Before 1920 a tahsildar started on Rs. 150 per month; he now starts on Rs. 190 per month. He used to rise up to Rs. 300; he now rises up to Rs. 360. Further, there is absolutely no lack of candidates whatever for the posts of tahsildar and of naib-tahsildar. The accepted principle in these matters is that Government should pay that scale of pay which will attract officers of the right qualifications. There is no question whatever that we are obtaining officers

[Hon'ble Sir Samuel O'Donnell.]

of the right qualifications. There is no lack of candidates with suitable qualifications. That being so, why should we pay more? I agree, of course, that every officer should receive a rate of pay which will enable him to live according to decent standards; and, of course, tahsildars and naib-tahsildars do get pay sufficient for their needs. I ought to mention that in addition to their pay a large number of tahsildars and naib-tahsildars also have free quarters. That is a substantial addition to their income.

For these reasons, Sir, I regret that I am quite unable to accept the resolution of the honourable member.

Khan Bahadur Maulvi Fasih-ud-din: I am very sorry that in spite of the fact that I heard the arguments of the Hon'ble the Finance Member with rapt attention, I am not satisfied as to the force and validity of those arguments. In the first place, I should like to point out that, I put down the maximum pay of naib-tahsildars as Rs. 250, which is more than the proposed minimum pay of tahsildars, for the simple reason that naib-tahsildars who have no chance of getting tahsildarship should be compensated for by an increase of pay. The same is the case with the cadre of deputy collectors. A tahsildar in the special grade gets Rs. 360, while a deputy collector begins with Rs. 250. On the same analogy I have given these figures.

Now, as to the flow of grade promotion, I think that the list that I have given of the promotion of various individual tahsildars to particular grades clearly shows that they have been in those grades for over six, seven and sometimes eight years, and still they have not been able to get into the higher grade. I find from an examination of the figures that there is a large number of tahsildars in each grade who are over five years old in that grade, and this, I think, ought to be enough to show that this class of officers does require the benefit of the time-scale of pay. I need not go into the further details of this question, but, I think, I can prove that several other services which have got the time-scale of pay have not had worse chances of grade promotion than tahsildars and naib-tahsildars. The Hon'ble the Finance Member has put forward the plea that tahsildars are also given free quarters and that ought to be considered a great remuneration for the work that they do. On the other hand, I wish to point out similarly that this class of officers is debarred from the benefit of the travelling allowance rules contained in the Civil Service Regulations which every other Government servant is allowed to benefit from. It often happens that when the tahsildars and naib-tahsildars go out in camp they have to spend a good deal of money from their pockets, and this should not be, unless the Government seems to think that the old *begar* system is still to be continued and that the tahsildars should try to live on the food supplied by others when they are out in camp. Therefore, I submit, that the case of this very deserving class of officers who form the backbone of the administration should be sympathetically looked into. Of course there can be arguments on both sides and each case can be argued in different ways. But it all depends upon the mentality of the party which deals with the case to decide it in one way or the other. Without casting any aspersion or making an insinuation against any class of Government servants, I plead the case of tahsildars and naib-tahsildars on its own merits. By making

a comparison between the tahsildars and naib-tahsildars and the higher services, I simply meant to show, without any disrespect to the higher services, that when the stronger services, when the higher services, with very high emoluments and with unlimited prospects could get the benefit of time-scale of pay, there is absolutely no reason why the weaker service should not get the same benefit. Considering all these facts, I am still not convinced why the time-scale of pay, which is given even to vernacular teachers and all sorts of people, should not be given to tahsildars and naib-tahsildars who have hitherto proved themselves to be so loyal and so faithful to the Government in season and out of season. Sir, I never meant to say that district officers intentionally insulted the tahsildars; but the system which at present prevails always results in the degradation of the tahsildars. One of the main reasons of their degradation is the low pay that they get. The treatment that is meted out to them is natural enough. With these few remarks I think I should press my resolution for the favourable consideration of the Government.

Hon'ble Sir Samuel O'Donnell: As I pointed out before, we take eight tahsildars every year for promotion to the post of deputy collectors. Now there are 213 tahsildars in the cadre, so that just under four per cent. of the cadre is promoted annually to the provincial service. That means, therefore, that, even if we exclude other casualties, it could not on the average take a tahsildar more than 26 to 27 years to get to the top from the bottom. Of course there are other casualties,—casualties due to deaths, retirements, and so on. So it is quite clear that it cannot on the average take a tahsildar more than fifteen years to get to the top from the bottom. So the rate of promotion so far from being slow is exceptionally rapid. The honourable member referred to the question of travelling allowance. He said that tahsildars and naib-tahsildars drew no travelling allowance. Well, Sir, the rule on the subject is this. Tahsildars and naib-tahsildars draw daily allowance when travelling within their jurisdiction, if they spend more than two nights away from their head-quarters. Tahsildars, of course, do much continuous travelling and so do naib-tahsildars. Accordingly they must draw travelling allowance frequently. Sir, we have no desire whatever to treat tahsildars and naib-tahsildars unfairly, and I cannot think that the pay of a tahsildar or naib-tahsildar is looked upon as very inadequate, because, otherwise, I find it difficult to account for the very large number of applications for the post. It seems to me incredible that the post is looked upon as one carrying a miserable salary and involving degradation and, at the same time, that it should attract large numbers of well educated young men every year.

The resolution was put and negatived.

UNITED PROVINCES DISTRICT BOARDS (AMENDMENT)

BILL.

Maulvi Abdul Hakim: I ask for leave to introduce a Bill to amend the United Provinces District Boards Act, X of 1922.

The motion was put and adopted.

Maulvi Abdul Hakim: I introduce the Bill to amend the United Provinces District Boards Act, X of 1922.

Maulvi Abdul Hakim.]

I beg to move that the Bill to amend the United Provinces District Boards Act, X of 1922, be referred to a select committee consisting of the following members :—

Pandit Nanak Chand.

Rai Sahib Chaudhri Sheoraj Singh.

Rao Sahib Abdul Hameed Khan.

Khan Bahadur Maulvi Fasih-ud-din.

Khan Bahadur Hafiz Hidayat Husain.

Rai Bahadur Thakur Mashal Singh.

Rai Bahadur Thakur Hanuman Singh.

Mr. Zahur Ahmad.

Raja Narayan Pratap Singh.

The Legal Remembrancer to Government.

The Secretary to Government in the Local Self-Government department.

I think this Bill does not require many words from me to commend it for the consideration of the House, especially because we have just had a discussion on the Bill to amend the Municipalities Act. Sir, we have just decided that if the members of a municipality, by a certain majority at two successive meetings held after certain intervals, passed a vote of non-confidence in the chairman, he must resign. Now, this Bill seeks to introduce a similar principle in the district boards. It does not define the limit of the majority which has been fixed in the case of the municipalities, but it is a matter which must be taken up in the select committee. The Bill further proposes to introduce two new provisions in the District Boards Act. Clause 3 of the Bill prohibits the use of hired conveyances by candidates for voters, and clause 6 gives a more extensive meaning to the word "gratification." These two provisions are not quite novel. They exist already in the case of the election to the provincial and central legislatures. At the time of the last election to the district boards I noticed that at one place candidates were brought in closed motor lorries by rival candidates and were not allowed to have a talk with outsiders. In the interest of the purity of elections to the district boards, I think it is absolutely necessary that such a practice should be at once put a stop to, and the only way to do it is to provide in the District Boards Act such safeguards as are suggested in this Bill. In view, however, of the fact that these measures exist in the rules relating to elections to the provincial and central legislatures, I think there ought to be no objection to their introduction in the District Boards Act.

Hon'ble the President : The motion before the House is that the Bill to amend the United Provinces District Boards Act, X of 1922, be referred to a select committee consisting of—

- (1) Pandit Nanak Chand.
- (2) Rai Sahib Chaudhri Sheoraj Singh.
- (3) Rao Sahib Abdul Hameed Khan.
- (4) Khan Bahadur Maulvi Fasih-ud-din.
- (5) Khan Bahadur Hafiz Hidayat Husain.
- (6) Rai Bahadur Thakur Mashal Singh.
- (7) Rai Bahadur Thakur Hanuman Singh.
- (8) Mr. Zahur Ahmad.
- (9) Raja Narayan Pratap Singh.

(10) The Legal Remembrancer to Government, United Provinces.

(11) The Secretary to Government in the Local Self-Government department.

According to the Standing Order No. 45 the Hon'ble Minister of Local Self-Government will be *ex officio* chairman and the honourable mover will be an *ex officio* a member of the select committee.

Khan Bahadur Shaikh Masud-uz-Zaman : I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon before July 31, 1926. If it were only a matter of resignation of the chairman, probably there would have been no difficulty in coming to a conclusion or getting. . . .

Hon'ble the President : Does the honourable member realize the significance of this motion. If it is carried, the Bill cannot be passed in the life-time of this Council.

Khan Bahadur Shaikh Masud-uz-Zaman : I withdraw my motion.

The motion was, by leave of the Council, withdrawn.

Khan Bahadur Maulvi Fasih-ud-din : I propose the name of Mr. Aslam Saifi for the select committee.

Khan Bahadur Shaikh Masud-uz-Zaman : I second the proposal.

Khan Bahadur Hafiz Hidayat Husain : I propose the name of Rai Bahadur Lala Mathura Prasad Mehrotra.

Rai Bahadur Lala Mathura Prasad Mehrotra : I beg to withdraw.

Hon'ble the President : The amendment is that the name of Mr. Aslam Saifi be added to the select committee.

The amendment was put and adopted.

The motion, as amended, was put and adopted.

Lala Babu Lal : May I point out that there is no quorum.

The division bells were rung, but a quorum was not obtained.

Pandit Brijnandan Prasad Misra : On a point of order, the official members

Hon'ble the President : There can be no point of order unless the requisite quorum for the conduct of business is obtained.

Hon'ble the President (after waiting for a few minutes) : There is no quorum unfortunately. Business cannot proceed.

The Council was therefore adjourned until the following day.

APPENDIX A.

(See page 498 *supra*.)

*Statement showing advances taken from the Government of India
since 1921-22.*

Year.	Purpose.	Amount.	Rate of interest per cent.
		Rs.	
1923-24	Sarda canals (p)	1,08,89,700	6
1924-25	Sarda canals (p)	1,48,81,500	5½
1925-26	Sarda canals (p)	1,08,78,000	5½
	Flood damages (u)	86,44,000	5½
	Road reconstruction (u)	37,10,000	5½
	Police building (u)	17,71,000	5½
	Improvement Trusts (u)	4,50,000	5½
1926-27	Sarda canals (p)	79,90,000	(a)
	Loans to local bodies (p)	19,50,000	(a)
	Road reconstruction (u)	38,86,000	(a)
	Police buildings (u)	15,07,000	(a)
	Improvement Trusts (u)	6,50,000	(a)
	Other buildings (u)	5,88,000	(a)

Notes.—(1) p=productive. (u)=unproductive. (a)=not yet known.

(2) The period of repayment for a productive advance is 80 years; for an unproductive advance 50 years.

APPENDIX B.

(See page 501 supra.)

Statement referred to in the answer to starred question No. 33 asked by Khan Bahadur Hafiz Hidayat Hussain Sahib on April 6, 1926.

Name of Hindu institutions.	Building grant.		Maintenance grants.		Equipment grant.		Special grants to meet the deficit.		Other grants.		Name of Muslim institutions.	Maintenance grants.		Building grant.		Equipment grants.		Special grants to meet the deficit.		Other grants.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Dayanand Anglo-Vernacular Intermediate College, Dehra Dun.	..	20,292	..	..	..	..	..	..	..	..	1. Faiz-i-ann High school, Meerut.	6,996	..	..	..	..	..	..	..	..	
2. N. R. F. C. Intermediate College, Khurja.	31,000	19,903	..	..	10,000	..	..	..	..	..	2. Islamia Anglo-Vernacular school, Saharanpur.	5,256	..	..	..	..	..	..	..	..	
3. Jat Vedic High school, Baraut.	..	6,000	..	..	..	..	..	..	..	..	3. Muslim University Intermediate College, Aligarh.	23,496	..	..	..	..	..	..	..	..	
4. Digambar Jain High school, Baraut.	..	5,604	..	..	..	..	..	..	..	..	4. Shia Intermediate College, Lucknow.	18,368	..	..	..	..	..	..	..	..	
5. Deva Nagri school, Meerut.	..	10,300	..	..	..	..	..	..	..	..	5. Shoab Muhammadan school, Agra.	10,980	..	..	..	..	..	..	..	..	
6. Nanak Chaud Anglo-Vernacular High school, Meerut.	..	7,548	..	..	1,000	..	..	..	..	..	6. Hewitt Muslim High school, Moradabad.	6,528	..	..	..	..	..	..	..	..	
7. Cantonment Anglo-Vernacular High school, Meerut.	..	6,408	..	..	..	..	..	..	..	..	7. Meston Islamia school, Pudaun.	6,000	..	..	..	..	..	..	..	..	
8. Shambhu Daval High school, Ghaziabad.	..	6,800	..	..	..	..	..	..	..	..	8. Islamia High school, Etawah.	6,420	..	..	..	..	..	..	..	..	
9. Anglo-Vernacular High school, Sikandrabad.	..	5,445	..	..	388	..	..	..	..	..	9. Halim Muslim High school, Cawnpore.	10,008	..	..	..	..	..	..	..	..	
10. Edward Memorial High school, Lakhnauli.	..	6,600	..	..	..	..	..	..	..	..	10. George Islamia school, Gorakhpur.	6,684	..	..	..	..	..	..	..	..	
11. Janki Prasad Anglo-Sanskrit school, Khurja.	..	9,600	..	..	412	..	..	..	..	..	11. Amir-ud-daula Islamia High school, Lucknow.	7,200	..	..	..	..	..	..	..	..	
															56,457	420				90 for hostel.	

22. Arya Kanya Pathshala, Meerut.	..	1,500	22. Muslim Girls' school, Aligarh.	7,884	..	968
23. Sri Sanatan Dharma Girls' school, Meerut.	..	1,300	23. Muhammedan Jubilee Girls' school, Oawnpore.	1,800	..	
24. King Edward school for Hindu girls, Saharanpur.	..	1,524	24. Saghir Fatima school, Agra.	1,300	..	
25. Hewett Model Girls' school, Musafarnagar.	..	1,836	25. Muhammad Ismail Girls' school, Meerut.	960	..	
26. Rao Swami Educational Institute, Agra.	..	17,544				
27. Dharna Samaj High school, Aligarh.	..	11,400				
28. Dayanand Anglo-Vernacular Pathshala, Aligarh.	..	6,480				
9. Kayastha Pathshala, Aligarh.	..	6,000				
30. Ptrot Chand Bagta A. S. school, Hathras.	..	10,500				
31. Victoria High school, Agra.	..	7,152				
32. Sri Ram Chandra Viotory school, Firozabad.	..	3,600				
33. Mufid-i-am High school, Agra.	..	7,404				
34. Dayanand Anglo-Vernacular school, Agra.	..	4,860				
35. Kishori Raman school, Muttra.	..	6,960				
36. Abhin Kabattriya High school, Shikohabad.	..	4,942				
37. Kishori Raman Girls' school, Muttra.	..	1,300				
38. Hindu Girls' school, Kanauj.	..	1,584				
39. S. S. M. Intermediate College, Chandausi.	..	31,300				614 for hostel.

55. Daraganj High school, Allahabad.	..	7,920	..	1,200	
56. Anglo-Bengali High school, Allahabad.	..	9,000			
57. Vidya Mandir High school, Allahabad.	..	7,200	..		
58. City Anglo-Vernacular High school, Allahabad.	..	9,276	958		
59. Dayanand Anglo-Vernacular High school, Allahabad.	..	6,000			
60. Sanatan Dharma High school, Etawah.	..	6,000			
61. Dayanand Anglo-Vernacular High school, Cawnpore.	..	7,500	122		
62. Pandit Pirthi Nath High school, Cawnpore.	..	9,840			
63. Gur Narain Khatthri High school, Cawnpore.	..	4,800	120		
64. Kaayakubja school, Cawnpore.	..	6,000			
65. B. N. Sanatan Dharma school, Cawnpore.	..	4,800	316		
66. Aditya Kumari Ksattriya High school, Tirwa.	..	1,200	1,660		
67. Agarwal Vidyalaya, Allahabad.	..	3,180		387	
68. Colonelganj Aided Anglo-Vernacular school, Allahabad.	..	8,414			
69. Anglo-Sanskrit School, Fatehpur.	..	2,400			
70. Orsothwaite Girls' Intermediate College, Allahabad.	..	33,884	8,000		840 for award of stipends at the Training class.
71. Jagat Tarau Girls' school, Allahabad.	..	8,400			
72. Balika Vidyalaya, Cawnpore.	..	8,172			
73. Arya Kanya Pathshala, Allahabad.	..	3,293			

89. Dayanand Anglo-Vedio school, Ghazipur.	..	8,000			
90. Anglo-Vernacular Middle school, Raera.	..	3,000			
91. Theosophical National Girls' Intermediate College, Benares.	..	13,272			
92. Central Hindu Girls' school, Benares.	..	3,986			
93. Hindu Balika Vidyalaya, Mirzapur.	..	576			
94. Arya Kanya Pathshala, Mirzapur.	..	1,248			
95. Gorakhpur High school, Gorakhpur.	..	11,820			
96. George High school, Arangarh.	..	5,808			
97. Smith High school, Azamgarh.	..	5,400			
98. Ratan Sen High school, Banul.	..	8,484			
99. City Anglo-Vernacular Middle school, Ali-nagar.	..	3,000			
100. Anglo-Vernacular Middle school, Barhaj Bazar.	..	1,136			
101. Anglo-Sanskrit school, Basti.	..	3,300			
102. Udairaj Hindu school, Kashipur, Naini Tal.	..	8,100	..	..	Rs. 495 for hostel.
103. Theosophical Girls' school, Gorakhpur.	..	1,680	..	..	Rs. 875 for music
104. Kanyakubja Intermediate College, Lucknow.	..	12,000	..	..	Rs. 150 for hostel.
105. Queen's Anglo-Sanskrit High school, Lucknow.	..	9,600	545	..	
106. Harish Chandra High school, Lucknow.	..	8,400	350	..	
107. Kail Charan High school, Lucknow.	2,783	8,400	..	..	

Name of Hindu institutions.	Building grant.	Maintenance grants.	Equipment grant.	Special grants to meet the deficit.	Other grants.	Name of Muslim institutions.	Maintenance grants.	Building grant.	Equipment grants.	Special grants to meet the deficit.	Other grants.
108. D. A. V. High school, Lucknow.	..	8,400	843	..	..						
109. Girdhari Singh Path-shala, Lucknow.	..	4,800	..	2,000	..						
110. Beth Jai Dayal High school, Biswan.	..	6,000	..	..	Rs. 205 for hostel.						
111. Raja Raghubar Dayal Anglo-Vernacular school, Sitapur.	..	5,100	..	..	..						
112. King George Kshatriya High school, Hardoi.	3,173	6,000	967	..	..						
113. Dharma Sabha school, Lathimpur.	..	6,000	..	..	..						
114. M. D. Shukla school, Lucknow.	..	3,000	..	..	..						
115. Turner Anglo-Vernacular school, Sandila.	..	2,700	..	..	..						
116. Diamond Jubilee school, Khairabad.	..	2,400	..	..	..						
117. Mahila Vidyalaya, Lucknow.	..	8,184	762	..	..						
118. Narinatti Girls' school, Lucknow.	..	1,620	..	..	..						
119. K. D. J. High school, Unao.	..	6,744	..	1,056	..						
120. Hindu High school, Rae Bareilly.	..	4,682	267	..	Rs. 275 for hostel.						
121. Lyall Collegiate school, Balrampur.	..	8,700	..	..	..						

122. Ajit, Sombauni High school, Partabgarh.	23,000	6,600	800	..
123. Manohar Lal High school, Fyzabad.	..	8,220	..	..
124. Bisheshar Nath A.-V. M. school, Aftarpur.	..	3,900	..	..
125. Sri Anant English school, Khapradih (Fyzabad).	..	1,800	..	..
126. Madhusudan Vidyalaya, Sultanpur.	..	1,800	..	..
127. Girls' school, Balrampur.	..	4,234	..	..
128. Vidya Mandir English Middle school, Mau (Azamgarh).	..	2,400	..	..
129. Roorkee's A.-V. M. school, Bareilly.	..	900	..	..
130. Kaush-Prem Pathabala, Mainpuri.	..	600	..	..
131. Pratap Singh Girls' school, Moradabad.	..	900	..	..

APPENDIX C.

* (See page 512 *supra*.)

Statement showing the amount of the contingent grant for the Gorakhpur judgeship and the expenditure of Basti courts for the last three years referred to in answer to starred question No. 123 for April 6, 1926.

Year.				Total grant (contingent).	Total expenditure of Basti courts.	Remarks.
				Rs. a. p.	Rs. a. p.	
1923-24	..	..	..	8,367 2 6	1,035 1 0	
1924-25	..	..	..	5,889 0 0	928 4 0	
1925-26	..	..	..	5,449 2 0	1,114 10 3	
Total				19,705 4 6	3,077 15 3	

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Wednesday, April 7, 1926.

THE Council met in the Council Chamber, Lucknow, at 11 a.m.
Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT :

(61)

Hon'ble Sir Samuel O'Donnell.	Pandit Nanak Chand.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.	Lala Babu Lal.
Hon'ble Rai Bajeshwar Bali.	Rai Bahadur Babu Ram Nath Bhargava.
Hon'ble Thakur Rajendra Singh.	Raja Suryapal Singh.
Hon'ble Nawab Muhammad Yusuf.	Pandit Brijnandan Prasad Misra.
Mr. G. B. Lambert.	Raja Narayan Pratap Singh.
Mr. E. A. H. Blunt.	Raja Sri Krishna Dutt Dubé.
Kunwar Jagdish Prasad.	Rai Sahib Babu Dip Narayan Roy.
Mr. G. B. F. Muir.	Rai Bahadur Thakur Hanuman Singh.
Mr. P. H. Tillard.	Bhaye Hanumat Prasad Singh.
Mr. H. A. Lane.	Rai Bahadur Thakur Mashal Singh
Mr. R. L. Yorke.	Kunwar Krishna Pratap Singh.
Mr. R. Burn.	Mr. Muhammad Aslam Saifi.
Mr. A. W. Pim.	Khan Bahadur Chaudhri Amir Wasan Khan.
Mr. B. J. K. Hallows	Mr. Muhammad Ismail Ali Khan.
Mr. C. M. King.	Dr. Zia-ud-din Ahmad.
Mr. H. G. Billson.	Khan Bahadur Hafiz Hidayat Husain.
Mr. R. J. S. Dodd	Khan Bahadur Shaikh Masud-uz-Zaman.
Colonel A. W. R. Cochrane.	Saiyid Muhammad Ashiq Husain.
Mr. A. H. Mackenzie.	Khan Bahadur Maulvi Fasih-ud-din.
Mr. G. Clarke.	Khan Bahadur Maulvi Muhammad Fazl-ur-Rahman Khan.
Raja Muhammad E'jaz Rasul Khan.	Khan Bahadur Hakim Mahbub Ali Khan.
Raja Bahadur Brij Narayan Rai.	Khan Bahadur Mr. Ashiq Husain Mirza.
Mr. H. C. Desanges	Khan Bahadur Munshi Siddiq Ahmad.
Mr. H. David.	Raja Saiyid Ahmad Ali Khan Alvi.
Babu Khem Chand.	Khan Bahadur Chaudhri Muhammad Rashid.
Babu Jai Narayan Chaudhri.	ud-din Ashraf.
2nd-Lieut. Chaudhri Balwant Singh.	Rai Bahadur Lala Mathura Prasad Mehrotra.
Rai Sahib Lala Jagdish Prasad.	Raja Shambhu Dayal.
Chaudhri Jaswant Singh.	Lieut. Raja Shaikh Imtiaz Rasul Khan.
Rai Sahib Chaudhri Sheoraj Singh.	Dr. Ganesh Prasad.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

*1 to 4 Dr. Shafa'at Ahmad Khan : [Postponed till the first day of the next session of the Council.]

EXTENSION OF SARDA CANAL TO MORADABAD.

*5. **Dr. Shafa'at Ahmad Khan:** (1) Will the Government be pleased to state why Moradabad was not included in the project for the construction of Sarda canal?

(2) Do the Government contemplate fertilizing the Moradabad district by extending an existing canal, or altering the route of such canals as are in contemplation?

Hon'ble Sir Samuel O'Donnell: (1) The honourable member is referred to the latter part of the reply given to Council question No. 31 on August 2, 1921.

(2) No.

*6. **Dr. Shafa'at Ahmad Khan:** [*Postponed till the first day of the next session of the Council.*]

NEW COUNCIL CHAMBER.

*7. **Pandit Nanak Chand:** (a) Is it a fact that brass fittings have been purchased from England or Europe for the new Council Chamber? If so, at what total cost?

(b) Will the Government be pleased to state why these fittings were not purchased from Aligarh or some other place in the province or in India?

(c) Is it a fact that Aligarh is supplying such fittings for Delhi Imperial works?

Mr. P. H. Tillard: (a) Fittings for doors and windows have been purchased in England at a cost of Rs. 19,613.

(b) These fittings were selected by Mr. Lanchester, Architect, in England as being the most suitable for this important building.

(c) The Government has no information on the point.

Pandit Nanak Chand: Have any inquiries been made whether the fittings could not be obtained in India, or in these provinces, and, if not, why were not such inquiries made?

Mr. P. H. Tillard: The question of fittings is left entirely to the architect. He has complete freedom in selecting his own fittings. Whether he asked for quotations in India, I have no information.

Pandit Nanak Chand: Does not the Government insist that the articles, which are capable of being purchased in Indian market, should be purchased in India?

Mr. P. H. Tillard: No.

Pandit Nanak Chand: Why were the steel doors and windows obtained from England?

Mr. P. H. Tillard: Critical steel doors and windows are not manufactured in India.

Pandit Brijnandan Prasad Misra: Has the architect been given a free hand in respect of these purchases?

Mr. P. H. Tillard: Yes.

*8. **Pandit Nanak Chand:** (a) Is it a fact that some steel doors and windows have been purchased from England for the new Council Chamber? If so, what is the total number of such doors and windows, cost per door and window, respectively?

(b) What is the estimated cost of teak doors of the same size?

(c) Are the steel doors to be fitted with wooden frames? If so, at what cost per door?

Mr. P. H. Tillard: (a) Yes. Eight Critall steel doors and 20 Critall steel windows at Rs. 730 and Rs. 60 each respectively.

(b) Cost of teakwood doors and windows of the same size would be Rs. 300 and Rs. 22-8-0 each respectively.

(c) Yes, of teak at a cost of Rs. 55 per door.

*9. **Pandit Nanak Chand:** (a) Have any clay models been purchased from foreign countries? If so, what is their number and cost?

(b) Have they arrived undamaged?

(c) Will the Government be pleased to state why better artistic models were not got prepared from some local artist or from the Government Arts and Crafts school?

(d) Has the attention of the Government been drawn to the hideousness of these models?

(e) Will the Government get artistic models prepared locally?

Mr. P. H. Tillard: (a) Fourteen plaster models have been prepared in England from Mr. Lanchester's designs and under his personal supervision at a total cost of £ 442-10.

(b) One model was damaged in transit and has been replaced by the Insurance Company.

(c), (d) and (e) Government are not prepared to interfere with the arrangements made by the architect.

Pandit Nanak Chand: Have these plaster models been examined?

Mr. P. H. Tillard: I saw them yesterday.

Pandit Nanak Chand: How many of them are damaged and broken?

Mr. P. H. Tillard: As stated in the answer to question No. 9.

Pandit Nanak Chand: Is it not a fact that several of them are broken?

Mr. P. H. Tillard: I saw only one damaged.

Pandit Nanak Chand: Have they been approved by any Government officer?

Mr. P. H. Tillard: No. I do not think that any Government officer has to approve the architect's designs. They are entirely in his own hands. He is responsible for the design of his building. If he likes a model, nobody can interfere.

Pandit Nanak Chand: Are these models not hideous-looking?

Hon'ble the President: That is a matter of opinion.

*10. **Pandit Nanak Chand :** (a) Is it a fact that Italian marble is being used for the new Council Chamber ? If so, to what extent and at what cost ?

(b) Why is Indian marble not used ?

Mr. P. H. Tillard : (a) Yes, at a cost of Rs. 77,000 for balustrades and important floors.

(b) For flooring work Italian marble is more suitable than Indian marble, being non-absorbent and susceptible of a finer finish.

*11. **Pandit Nanak Chand :** (a) With reference to starred question No. 28, dated April 3, 1925, will the Government be pleased to state the total amount of money paid in excess of the tender rates for the following items in the tender separately :—

(i) No. 33—Jack arching.

(ii) No. 50—Cement brickwork of elliptical dome.

(b) What were the tender rates in both these cases and at what rate have payments been made ?

Mr. P. H. Tillard : (a) No rates were tendered for jack arches above basement level nor for cement brickwork of elliptical dome and therefore no excess over tendered rates has been paid.

(b) Rates for jack arching above—

		Rs. a. p.			
Basement level ...	...	78	8	0	% c. ft.
Cement brickwork	...	129	0	0	..

Pandit Nanak Chand : Is the Government sure that no rates were tendered for jack arches and for elliptical domes ?

Hon'ble the President : The answer is given in the paper.

Pandit Nanak Chand : I base this question on the copy of the tender supplied by Government in reply to one of the questions and I consider that the reply is not correct ?

Hon'ble the President : That is a different matter.

*12. **Pandit Nank Chand :** (a) What is the number of arches and roofs in basement, ground, first and second floors respectively in which cracks have appeared ?

(b) When were these cracks noticed by the superintendent of works ? Did he submit any reports ? If so, when ?

(c) What action, if any, has so far been taken or is proposed to be taken in connexion with these cracks and on the reports, if any, of the superintendent of works ?

Mr. P. H. Tillard : (a) The following is the number of arches with cracks :—

Basement	...	...	...	46 arches.
Ground floor	...	...	...	20 "
First	..	...	...	7 "
Second	..	...	...	4 "

There are no cracks in any of the roof arches. None of the cracks are dangerous, nor are they likely to affect the stability of the building. They are due to slight settlement in the foundations.

(b) In February, 1925. He submitted a report in the same month.

(c) Tell-tales provided have shown that no further movement is taking place.

Pandit Nanak Chand : Has any officer of the Government noticed that the arches in the members' smoking room are cracked just in the middle?

Mr. P. H. Tillard : I do not know which you call the members' smoking room.

*13. **Pandit Nanak Chand :** How often and when has the architect inspected the new Council Chamber under construction?

Mr. P. H. Tillard : The architect has no definite hours for visiting the works, but he inspects them as often as is necessary to ensure that the work is being properly carried out, usually four or five times a week.

SUPPLY OF ELECTRICITY FOR LIGHT, ETC.

*14. **Pandit Nanak Chand :** (a) Will the Government be pleased to name the places in these provinces where electricity is supplied or proposed to be supplied for light, etc.?

(b) In which of the places referred to in part (a) have the contracts been given to companies or firms of these provinces and in what places have such contracts been given to outside firms?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) and (b) A statement containing the information asked for by the honourable member is placed on the table.

(See Appendix A, page 610).

*15. **Pandit Nanak Chand :** [*Postponed till the first day of the next session of the Council.*]

LEGISLATION FOR THE REFORM OF THE NAIK COMMUNITY.

*16. **Pandit Nanak Chand :** (a) Has the Government received the report of the committee appointed in connexion with the problem of the reform of the Naik community? If so, when was the report received by the Government?

(b) Does the report contain a Bill?

(c) What action has the Government taken on the report so far, and when do they propose to introduce the necessary legislation?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Yes, on September 23, 1925.

(b) Yes.

(c) The draft Bill prepared by the committee required re-casting, and this has been done. As the Bill requires the previous sanction of the Governor General, it is impossible for this Government to make any statement.

Pandit Nanak Chand : Has the Bill been submitted to the Governor General for his sanction?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Not yet.

Pandit Nanak Chand : When do the Government propose to do it?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Shortly.

SHAIKH ABDUL QAYUM KHAN, HONORARY MAGISTRATE, HALDWANI.

*17. Pandit Nanak Chand : (a) Is the Government aware that a few months ago the police of Haldwani challaned Shaikh Abdul Qayum Khan, a special magistrate for that area, under section 107, Criminal Procedure Code ?

(b) Has the Government perused the judgement in that case ?

(c) Will the Government acquaint the Council with the nature of the allegations made by the police against the special magistrate ?

(d) Is Shaikh Abdul Qayum Khan still exercising any magisterial powers ?

(e) Will the Government consult the District Magistrate of Naini Tal as to the advisability of withdrawing his powers ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The honourable member is referred to the answer given to starred question No. 196 on January 19, 1926.

(Copy of starred question No. 196 for January 19, 1926, asked by MR. MUKANDI LAL, and answer given thereto.)

QUESTION.

* Is it a fact that the honorary magistrate of Haldwani was prosecuted under section 107, Criminal Procedure Code, to be bound over by the residents of Haldwani ? Was he bound over, and for how long ? Is he still holding the post of honorary magistrate ?

ANSWER.

* In view of religious tension before the Dasahra the police sent up the names of five Musalman: who, they considered, ought to be bound over to keep the peace under section 107, Criminal Procedure Code. Of these one was an honorary magistrate. In view of the nearness of Dasahra, the joint magistrate issued an interim order binding over these five persons. When the evidence had been heard, he came to the conclusion that the five persons concerned were not to blame for the friction, and the order was in consequence rescinded.

In these circumstances it did not seem to the district magistrate or to the commissioner necessary to make a recommendation that the powers of the honorary magistrate should be withdrawn, and the gentleman concerned is therefore still holding the post of honorary magistrate.

Khan Bahadur Hafiz Hidayat Husain : Does the Government propose to recompense Shaikh Abdul Qayum Khan for the degradation of meeting a trial.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : No.

*18. Pandit Nanak Chand : [Postponed till the first day of the next session of the Council.]

REFUND OF INCOME-TAX.

*19. Pandit Nanak Chand : (a) With reference to circular letter No. T. M. 660(7)1921-22, dated Allahabad, March 28, 1922, published in the *United Provinces Gazette*, Part V, page 125, dated April 1, 1922, will the Government be pleased to state that in cases where there is no assessment or the actual income-tax assessment is lower than the new maximum rate of Re. 0-1-6 in the rupee in respect of payments of interest on Government securities in the circular letter, what is the present method to get the refund of the amount deducted or the excess amount deducted ?

(b) Will the Government be pleased to state as to (i) in how many cases, if at all, such refund has been claimed and granted, (ii) in how

many cases it has not been refunded for want of application or on other technical ground?

(c) Will the Government refund the excess amount realized of themselves? If not, why not?

Hon'ble Sir Samuel O'Donnell: Income-tax is a Central subject, and Government have no information whatever on any of the points raised. The question is one that should be put in the Legislative Assembly.

Pandit Nanak Chand: Is it not a fact that the postings of these income-tax officers are done by the Provincial Government?

Hon'ble Sir Samuel O'Donnell: No; they are not done by the Provincial Government.

PERMANENT CLERKS OF THE OFFICE OF THE DIRECTOR OF
PUBLIC HEALTH.

*20. **Pandit Nanak Chand**: Will the Government be pleased to give the names of clerks permanently appointed in the office of the Director of Public Health in the last six years?

Hon'ble Rai Rajeshwar Bali: A statement is laid on the honourable member's table.

(See Appendix B, page 611.)

INSUFFICIENCY OF WATER IN AMARGARH MINOR, BULANDSHAHR.

*21 **Pandit Nanak Chand**: (a) Is the Government aware that extremely insufficient water reaches the Amargarh minor of Parichhatgarh distributary in Bulandshahr district?

(b) Has the attention of the Government been drawn to the fact that in Amargarh, pargana Ahar, district Bulandshahr, last winter a number of fields did not receive even one watering and others received only one watering?

(c) Will the Government see that proper arrangements are made for sufficient water supply for village Amargarh?

Hon'ble Sir Samuel O'Donnell: (a) The Amargarh minor did 334 acres during current *rabi* as against 174 acres average of last five years, which shows an increase of 92 per cent.

(b) The whole of the area irrigated has been matured and no remissions have been given or asked for. The supply has, therefore, been sufficient.

(c) Does not arise.

*22 and 23. **Pandit Nanak Chand**: [*Postponed till the first day of the next session of the Council.*]

SEPARATION OF LOWER CLASSES FROM INTERMEDIATE COLLEGES.

*24. **Pandit Nanak Chand**: What action, if any, has the Government taken or does it propose to take on the recommendation of the Economy Committee for the separation of lower classes from intermediate colleges?

In how many Intermediate colleges has this step been taken?

Hon'ble Rai Rajeshwar Bali: Government have not yet found it possible in the existing Government Intermediate colleges to separate

junior classes from the four highest classes. In the case of the Government Intermediate College, Almora, Government have approved a project for building a separate junior school for classes III to VI.

Government propose also to effect a similar separation in the cases of two Government high schools the conversion of which to Intermediate colleges is now under consideration.

*25. Pandit Nanak Chand : [*Postponed till the first day of the next session of the Council.*]

IRRIGATION FACILITIES.

*26. Pandit Nanak Chand : Will the Government be pleased to state if they will take any steps, and, if so, what, to examine the possibility of further extending the irrigation facilities to the undeveloped areas ?

Hon'ble Sir Samuel O'Donnell : The honourable member is referred to the answer to starred question No. 31 asked by him at the meeting of March 29, 1926 ; Government are always prepared to investigate any definite proposal.

FREE SUPPLY OF COPIES OF JAMABANDIS TO COURT OF WARDS.

*27. Pandit Nanak Chand : Is it a fact that copies of *jamabandi* are granted to Court of Wards without fee and to zamindars on payment of fee ? If so, what accounts for this differential treatment ?

Hon'ble Sir Samuel O'Donnell : Fees are charged in all cases.

OPENING A DISPENSARY AT SIYANA, BULANDSHAHR.

*28. Pandit Nanak Chand : (a) Is it a fact that a deputation of representatives of Siyana, district Bulandshahr, submitted a representation to the late Hon'ble Raja Parmanand at the time of his official visit to Bulandshahr soliciting help for opening a dispensary at Siyana and promising recurring and non-recurring contributions towards its maintenance and building respectively ?

(b) If the answer to part (a) is in the affirmative, what steps, if any, have been taken on the representation, or how has it been disposed of ?

Hon'ble Rai Rajeshwar Bali : (a) A representation was received asking for the preparation of an estimate of the cost of a dispensary at Siyana and promising to contribute a lump sum (unspecified) towards the capital cost. The petitioners ended by saying that on receipt of the estimate they would approach the district board and the Government.

(b) An estimate was prepared and sent to the petitioners. Nothing further was heard from them.

*29. } Pandit Nanak Chand : [*Postponed till the first day of the next*
 *30. } *session of the Council.*
 *31. }

HEMP DRUGS, OPIUM AND LIQUOR SHOPS.

*32. Pandit Nanak Chand : Will the Government be pleased to give the names of places from where they obtain *charas*, *ganja* and *bhang* respectively for consumption in these provinces ?

If any of these commodities are imported from outside these provinces, what are the reasons why all or any of them are not produced locally in these provinces?

Hon'ble Thakur Rajendra Singh : *Charas* is imported into India from Central Asia and stored in bonded warehouses in the Punjab. This province obtains its supplies from those warehouses.

Ganja is imported from Naugaon in district Rajshahi of the Bengal Presidency.

Bhang is not imported.

It is collected from the spontaneous growth of the hemp plant in the submontane districts.

Charas and *ganja* are imported because the climate of the United Provinces makes production of a good quality of these drugs impossible.

*33. **Pandit Nanak Chand :** Will the Government be pleased to lay a statement on the table showing the total number of hemp drug shops for each district for *charas* or *ganja* or both and the number of such shops for each district where the average sales do not exceed half a seer?

*34. Will the Government be pleased to lay on the table a statement showing the total number of country liquor and opium shops in each district and the number of such liquor shops for each district where the average monthly sales do not exceed six gallons of 35 under-proof liquor and of such opium shops for each district where the average monthly sales do not exceed half a seer?

Hon'ble Thakur Rajendra Singh : The number of shops of all kinds can be found in Imperial Return III of the Excise Administration Report. The figures of sales of individual shops are not available and could only be obtained at the expense of much time and labour. Government cannot undertake the labour of collecting them.

*35. **Pandit Nanak Chand :** Will the Government be pleased to lay a statement on the table showing the total number and proportion of liquor shops to the population for each municipality in these provinces?

Hon'ble Thakur Rajendra Singh : The figure for the total number of municipal liquor shops is not immediately available, and to obtain the figure it would be probably necessary to refer to the districts. On the other hand Imperial Return V, which is printed with the Excise report, gives the urban population of every district in column 5, and the number of liquor shops per 100,000 of population in column 11. The Government imagine that these figures will serve the honourable member's purpose. If they do not, they will obtain the figures and communicate them to the honourable member when received.

*36. **Pandit Nanak Chand :** Will the Government be pleased to lay a statement on the table showing the number of foreign liquor, country liquor, opium and hemp drug shops respectively proposed to be abolished by the licensing boards and advisory committees in various districts in the years of 1923-24, 1924-25 and the number of such shops abolished in each of the two years?

Hon'ble Thakur Rajendra Singh : A statement is laid on the table

(See Appendix C, page 612.)

***37. Pandit Nanak Chand :** [*Postponed till the first day of the next session of the Council.*]

***38. Pandit Nanak Chand :** Do Government intend to order the closure of liquor shops on festival days, viz., Id-uz-Zuha, Id-ul-Fitr, Muharram, Dewali, Dasehra as in the case of Holi ?

Hon'ble Thakur Rajendra Singh : Government propose to close liquor shops on the principal Dewali festival day. They do not propose to close them on the other festivals mentioned.

***39. Pandit Nanak Chand :** What is the maximum limit for retail sale and possession in the case of *charas* ?

If it is more than that for opium, do Government intend to lower the limit for *charas* as well ?

Hon'ble Thakur Rajendra Singh : (a) Five *tolas*.

(b) The limit of possession on account of opium is three *tolas*. Government will consider the question of lowering the limit of *charas* to the same figure.

***40. Pandit Nanak Chand :** Is it a fact that licensees of excise shops are required to put on sign-boards the name of licensee and the rates of commodities sold thereat ?

Do Government intend to consider the desirability of requiring the licensees to have the working hours of shops to be noted on these sign-boards for general information ?

Hon'ble Thakur Rajendra Singh : (a) Yes.

(b) Government see no particular advantage in the suggestion. No consumer is likely to make the mistake of coming to the shop at the wrong time more than once.

***41. Pandit Nanak Chand :** Do Government intend to consider the desirability of ordering the sale of country liquors for consumption off the premises only as provided in licence form No. C.D.-5 of the Excise Manual until the problem of the supply of bottles for the universal introduction of sealed bottle system is solved ?

Hon'ble Thakur Rajendra Singh : This is a matter in which Government think it wise to move slowly. The result of such a proposal would be to drive all drinking into the home. Government, however, will seek the advice of the Provincial Excise Board on the matter.

***42 to 46. Pandit Brijnandan Prasad Misra :** [*Postponed till the first day of the next session of the Council.*]

LODHS IN SUBORDINATE POLICE SERVICE.

***47. Pandit Brijnandan Prasad Misra :** Will the Government inform the Council what action it has taken upon my resolution asking for the removal of caste restrictions imposed in the admission to subordinate police service ?

Have any sub-inspectors of police been recruited from the Lodh community since the restrictions against them were removed ?

How many candidates of this community applied for admission to sub-inspectorship since the removal of restrictions, and with what result ?

Are any special measures contemplated by Government for securing some place for candidates of this community?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) The matter is under consideration.

(b) One Lodh sub-inspector has been appointed.

(c) No record is available.

(d) It is not practicable to reserve nominations for particular communities. Lodh candidates are given equal opportunities with candidates of other castes.

BHAGWATI DEVI, MISTRESS, MODEL GIRLS' SCHOOL, BULANDSHAHR.

*48. **Pandit Brijnandan Prasad Misra :** Has any representation been made by Shrimati Bhagwati Devi, formerly assistant mistress in the Bulandshahr Model Girls' school?

What is its nature and what action has been taken thereon?

Hon'ble Rai Rajeshwar Bali : (1) Yes.

(2) The petition is an appeal against the order of the Chief Inspectress of Girls' schools discharging the petitioner from service. The matter is being examined.

HEAD-QUARTERS OF THE EASTERN FOREST CIRCLE.

*49. **Pandit Brijnandan Prasad Misra :** When and why was the head-quarters of the Eastern circle of forests transferred to Naini Tal? How much has been spent on the travelling allowance of all conservators of the various circles since this transfer?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) The honourable member is referred to the replies given to questions Nos. 40 and 41 asked by Mirza Muhammad Sajjad Ali Khan Sahib on October 27, 1922.

(b) The honourable member is referred to the published annual reports of the province since 1905.

(Copies of starred questions Nos. 40 and 41 and their answers given on October 27, 1922, referred to in the answer to starred question No. 49 for April 7, 1926.)

QUESTION.

*40. Will the Government be pleased to state the reasons why the head-quarters of the Conservator of Forests, Eastern circle, have been fixed at Naini Tal which is not within the jurisdiction of the said conservator?

ANSWER.

The head-quarters of the conservator of the Eastern circle were removed from Lucknow to Naini Tal, which is within his jurisdiction, as part of his circle is in the Naini Tal district, in 1905, because—

- (1) suitable accommodation could not be found at Lucknow except at prohibitive expense;
- (2) the conservator is permanently on tour from October to the end of May, and has little occasion to visit Lucknow, which is only nominally within his jurisdiction; and
- (3) it was rightly considered of the greatest importance that the conservator should in the non-touring season be in touch with Government, Chief Conservator and his own divisional officers, all of whom are at Naini Tal during the hot weather and rains.

QUESTION.

*41. Will the Government be pleased to state the reasons why the head-quarters of the Eastern circle of forests be not located at Lucknow which on account of its central position and easy accessibility from all the divisions of the circle is obviously more suited for this purpose than Naini Tal and had been the head-quarters of the late Oudh circle till 1905.

ANSWER.

It is not a fact that Lucknow was the head-quarters of the old Oudh circle up till 1905. The facts are that the head-quarters of that circle were at Naini Tal from 1876—1894, were then moved for one year to Lucknow, and were again moved to Naini Tal where they remained until 1897.

The reasons why the head-quarters of this circle have been finally located at Naini Tal have been given in the reply to the previous question. In the opinion of Government the balance of advantage decidedly lies on the side of maintaining the head-quarters of the circle at Naini Tal, in order to secure intercourse and consultation in the hot weather and rains between this conservator and others and with his own divisional officers, for whom there is, for much of this time, little work in the forests and who in consequence visit Naini Tal.

CLERICAL STAFF OF FOREST DEPARTMENT.

*50. **Pandit Brijnandan Prasad Misra**: Is it a fact that the head clerk of the Kumaun circle, who was made the head assistant recently, is not the seniormost man? If so, why was he preferred?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: (a) Yes.

(b) On grounds of efficiency.

*51. **Pandit Brijnandan Prasad Misra**: Will the Government lay a list on the table showing the difference in grades of the head clerks of the Forest department and revenue and judicial assistants in Collectors' offices in the years 1910, 1915, 1919 and 1925?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: A statement is laid on the honourable member's table.

(See Appendix D, page 613)

*52, 53 and 54. **Khan Bahadur Shaikh Masud uz-Zaman**: [Postponed till the first day of the next session of the Council.]

COMPARATIVE PROPORTION OF HINDUS AND MUSLIMS IN VARIOUS LOCAL BOARD AREAS.

*55. **Pandit Nanak Chand**: With reference to starred question No. 5, dated March 25, 1926, will the Government be pleased to lay the statement asked for and promised on the table and to supply this information in the office of the Director of Public Instruction?

Hon'ble Rai Rajeshwar Bali: The honourable member is referred to general tables IVA and VA printed on pages 20A and 22A of the General report on Public Instruction in the United Provinces of Agra and Oudh for the year ending March 31, 1925. More detailed information is not available.

Pandit Nanak Chand: Is the Hon'ble Minister aware that the more detailed information which was promised and which is stated not to be available has been supplied to the Primary Education Committee?

Hon'ble the President: If that information is available, the honourable member need not ask for it.

Rai Bahadur Thakur Mashal Singh: But, Sir, that is not public property?

Hon'ble Rai Rajeshwar Bali: I think that is not the same information. The information supplied was with regard to Muslims only; whereas, the question originally asked related both to Hindus and Muslims. Therefore the answer which I gave was correct.

Hon'ble the President: I think it is a matter fit for private negotiation between the honourable members and the Minister.

*56. **Pandit Nanak Chand:** [*Postponed till the first day of the next session of the Council.*]

DEMOLITION OF A TEMPLE AT ALIGANJ, ETAH.

* 57. **Pandit Nanak Chand:** (a) Is it a fact that at Aliganj, district Etah, one Musammat Sumitra, a widow, started the construction of a temple over an old platform of Shiva's image?

(b) Is it a fact that, with the exception of Munna Bharbhunja the whole muhalla where the construction of the said temple was started is inhabited by Hindus?

(c) Is it a fact that the temple under construction is at a distance of 23 feet from the main road? If not, what is the distance between the main road and the temple?

(d) Is it a fact that the said main road is used for carrying *tazias* during the Muharram? How many other temples are located on the *tazia* route in Aliganj?

(e) What is the total Hindu and Muslim population of Aliganj? Is it a fact that about 18 out of 20 biswas of Aligarj are owned by Muslim zamindars?

(f) Was any application filed against the construction of the said temple? If so, when and by whom? What position in life is occupied by the applicant?

Hon'ble Sir Samuel O'Donnell: (a) Musammat Sumitra began to build a temple. But neither in the records nor on the site itself is there any trace of the existence of an old platform.

(b) No.

(c) The site is about 20 feet from the metalled portion of the road, but is believed to be within the road boundary.

(d) Yes. The number of temples on the whole route is not known. There is no temple on the route near the principal mosque, which is only 100 yards from the site of the new temple.

(e) Hindus 3,349.
Muslims 1,934.
Yes.

(f) Several applications were made by the Muslim zamindars and other Muslim residents.

*58. **Pandit Nanak Chand:** (a) Is it a fact that the sub-divisional magistrate passed an order, dated July 5, 1925, for demolition of the said temple, wherein the following statement occurs: "that you have caused an obstruction to the Muslims and their *tazias* using the public way by erecting a temple or *mathia* by the side of the main *tazia* road

of Aliganj. The existence of the temple is highly provocative on the route of *taxis*?" If not, will the Government be pleased to lay a copy of the order on the table?

(b) Was any application presented by Musammat Sumitra of Aliganj before the district magistrate of Etah on July 7, 1925 against the said order of the sub-divisional magistrate? If so, what was the order passed thereon? Will the Government lay a copy of the order on the table?

(c) Did Musammat Sumitra submit any application on or about July 18, 1925? If so, will the Government be pleased to lay a copy of the same with the order thereon on the table?

(d) Did the Government receive any telegram, dated July 9, 1925, from Gur Sahai Mal and Bhadai in connexion with the order of the demolition of the temple? If so, how was it disposed of?

(e) Is it a fact that the said temple was demolished on December 8, 1925? Was the district magistrate, Etah, present at the time? What was the height of the walls of the temple at the time? Did the district magistrate personally participate in the demolition of the temple with his two orderlies?

(f) Did the existence of the unfinished temple at the time of the last *taxis* procession prove obstructive? If so, how?

(g) What steps, if any, do Government propose to take to allow the said temple to be re-constructed?

Hon'ble Sir Samuel O'Donnell: (a) Yes.

(b) and (c) Musammat Sumitra presented several applications. They were rejected. The Government have not got copies of the petitions and the orders passed on them.

(d) Yes. It was sent to the Commissioner for disposal.

(e) The answer to the first, second and fourth parts of the question is in the affirmative. The height of the walls varied from 5 feet to 7 feet at the time of the demolition.

(f) No, as the parties had agreed to await the decision of the district magistrate.

(g) The Government propose to leave the matter in the hands of the local authorities.

*59 to 64. **Khan Bahadur Hafiz Hidayat Husain:** [*Postponed till the first day of the next session of the Council.*]

*65. } **Jaswant Singh Chaudhri:** [*Postponed till the first day of the*
 *66. } *next session of the Council.*
 *67. }

UNEMPLOYMENT OF DIPLOMA HOLDERS IN AGRICULTURE.

*68. **Chaudhri Jaswant Singh:** Is it a fact that there is a great number of unemployed persons holding diploma in agriculture?

Is the Government aware that they are becoming disheartened through getting no Government posts?

Hon'ble Thakur Rajendra Singh: (i) No.

(ii) Does not arise.

CANVASSING IN ELECTIONS BY STAFF OF LOCAL BOARDS.

*69. **Chaudhri Jaswant Singh** : Will the Government consider the desirability of issuing orders to local boards that at the time of election the staff of local boards should not canvass or do election work for a candidate even if he is an official connected with the local board?

Hon'ble Nawab Muhammad Yusuf : Canvassing, interfering in and using influence in a district board election by a district board servant is already prohibited by rule 69 of the district board election rules. The Government are considering the insertion of a similar rule in the municipal election rules.

*70. **Chaudhri Jaswant Singh** : [*Postponed till the first day of the next session of the Council.*]

ELECTRIC SUPPLY TO HARDWAR AND ROORKEE.

*71. **Khan Bahadur Mr. Ashiq Husain Mirza** : Will the Government be pleased to state if it has entered into and signed contracts with the Hardwar and Roorkee municipalities for the supply of electric current to their respective areas?

Hon'ble Sir Samuel O'Donnell : Agreements are being drawn up.

*72. **Khan Bahadur Mr. Ashiq Husain Mirza** : If so, will the Government be pleased to say at what rate per unit electric energy is to be supplied to them respectively and at what rate the municipalities are going to retail the energy to the public?

Hon'ble Sir Samuel O'Donnell : The rates Government intend to charge are—

Roorkee—Two annas six pies per unit (low tension).

Hardwar—two annas per unit (high tension).

The rates the Hardwar Union municipality intend to charge are—

(i) For any quantity up to forty units per quarter of the English calendar year—Rupees fifteen only.

(ii) For any quantity exceeding forty units per quarter—

(a) For lighting, fan and heating purposes at the rate of eight annas per unit consumed, exclusive of meter rent of rupee one per month. A minimum monthly charge of Rs. 5 exclusive of meter rent will be made.

(b) For power and purposes other than those specified in (a) above :—

(1) For any quantity not exceeding the equivalent of one hundred hours' supply per quarter at the maximum power which has been demanded at the rate of annas four per unit.

(2) For any quantity exceeding the equivalent of one hundred hours' supply per quarter at such maximum power at the rate of annas three and a half per unit.

(3) For any further quantity exceeding the equivalent of two hundred hours' supply per quarter at such maximum power at the rate of annas three per unit.

It is not known what rates the Roorkee municipality intend to charge.

*73. **Khan Bahadur Mr. Ashiq Husain Mirza** : Is it a fact that one of these municipalities has refused to take the electric supply from Bahadurabad hydro-electric power scheme ? If so, which one and for what reasons ?

Hon'ble Sir Samuel O'Donnell : No.

*74. **Khan Bahadur Mr. Ashiq Husain Mirza** : Has either of these municipalities prepared plans and estimates ? If so, have they been sent to the Government for approval ? If not, will the Government be pleased to state the cause of delay ?

Hon'ble Sir Samuel O'Donnell : Yes, the Hardwar Union municipality submitted plans and an estimate which have been approved by Government. No estimate has yet been submitted by the Roorkee municipality and Government do not know the reason for the delay.

*75. **Khan Bahadur Mr. Ashiq Husain Mirza** : Will the Thomason College area, Roorkee, be included in this scheme ?

Hon'ble Sir Samuel O'Donnell : Yes.

LAND ALONG THE BANKS OF THE GANGES AND JUMNA CANALS.

*76. **Rai Sahib Lala Jagdish Prasad** : With reference to the answer given by Government to my starred question No. 78 on January 27, 1925, will the Government be pleased to state—

(a) what lands, if any, have the Government relinquished in the Muzaffarnagar district since then ; and if none have been relinquished as yet, why not ;

(b) what lands, if any, does Government contemplate relinquishing in the financial year 1926-27 in the said district ?

Hon'ble Sir Samuel O'Donnell : (a) (i) 6.09 acres of land originally acquired for a silt tank near Miranpur distributary in mauza Bhupa, pargana Bhukherheri.

(ii) 13.02 acres of land originally acquired for the construction of the Bhalwa minor in mauzas Chitaura, Jandheri and Rataur, pargana Jansath.

(b) None.

UNSTARRED QUESTIONS.

BHIRAOTI LIQUOR SHOP AND THE OPIUM LICENCE, DATAGANJ, BUDAUN.

1. **Rai Bahadur Pandit Kharagjit Misra** : (1) What was the resolution of the District Advisory Committee of Excise, Budaun, regarding the abolition of Bhiraoti liquor shop in Gunnaur tahsil, and the licence of opium vendor of Dataganj ?

(2) Has that resolution been brought into force ?

(3) If not, will the Government be pleased to state the reasons why the above-mentioned resolution has not been enforced ?

(4) Were there any confidential orders from the local Government in regard to this matter ?

Mr. E. A. H. Blunt : (1) The district advisory committee was of opinion that the Bhiraoti liquor shop should be closed and that the licensee of the Dataganj opium shop should be changed.

(2) No.

(3) No reasons for the proposal to close Bhiraoti liquor shop were given by the advisory committee. The collector reported that the shop was centrally situated and that its closure would put the public to great inconvenience. He gave figures showing that the sales at this shop in the past three years were substantial and had increased each year. The Excise Commissioner reported the case to Government and Government decided that the shop should not be closed.

One member of the advisory committee stated that the licensee of the Dataganj sold illicit opium. The collector ordered the excise officer to investigate the complaint and thereafter renewed the licence for 1926-27. No appeal was lodged against the re-appointment of this licensee.

(4) No confidential orders were issued by Government in these cases.

AIDED INTERMEDIATE COLLEGES AND SCHOOLS.

2. **Dr. Zia-ud-din Ahmad:** Will the Government be pleased to put on the table a list of all the aided intermediate colleges, aided high schools, and aided English middle schools with the following particulars:—

- (a) The total expenditure.
- (b) The grant given by the Government.
- (c) The total number of pupils in the institution.

Kunwar Jagdish Prasad: The honourable member is referred to tables IIA and IIIA appended to the General report on public instruction for the year 1924-25. It has not been possible in the time available to collect more detailed information.

REVENUE AND POLICE OFFICERS IN BALRAMPUR.

3. **Pandit Brijnandan Prasad Misra:** How long has the sub-inspector in charge of Balrampur police station been there?

Mr. G. B. Lambert: Since October 10, 1921.

4. **Pandit Brijnandan Prasad Misra:** Is it a fact that the sub-divisional officer, tahsildar, police inspector, sub-inspectors and the head constable are all Muhammadans in Balrampur? If so, why has no Hindu been posted to any of these posts?

Mr. G. B. Lambert: (a) No.

(b) Does not arise.

TOWN AREA BASTI.

5. **Bhaya Hanumat Prasad Singh:** Will the Government be pleased to lay on the table a statement showing the area, annual income and population of the Basti town area according to the census of 1921?

Does the Government contemplate to turn the above town area into a notified area?

If so, by what time is it expected?

Mr. G. B. F. Muir: Inquiry has been made and a reply will be given later.

RESOLUTIONS.

RESOLUTION *re* INTRODUCTION OF A LAND ALIENATION ACT.

In the absence of Thakur Rajkumar Singh, Khan Bahadur Maulvi Fasih-ud-ding moved the following resolution standing in his name :—

Khan Bahadur Maulvi Fasih-ud-din : I beg to move—

That this Council recommends to the Government to be pleased to bring up before the Council a Land Alienation Bill on the lines of the Punjab Land Alienation Act during the next meeting of the Council.

It must be conceded that the Land Alienation legislation is, after all, an artificial device for protecting the land-owning and agricultural classes from the strong grip of the money-lenders and that it has its advantages and disadvantages both. The disadvantages are apparent enough. A legislation of this kind tends to place an embargo on private property; it tends to reduce the value of land, and finally, it tends to prevent a free flow of capital. But, Sir, situated as we are, these disadvantages should not weigh very much in India. They should do so in developed countries like Europe and America where there is an equilibrium between the money-lender and the agricultural classes, where the rate of interest is 4 per cent. and even 3 per cent. and is regulated by economic causes, and where the mass of the people can fall back on industries and trade. Let us see how are we situated here. Here we find that the money lender, at least in the rural area, is all powerful. He is the lord of all he surveys and the agriculturist is practically under his thumb. He can dictate his own rate of interest which varies from 24 to 40 and even 50 per cent. according to the needs of the agriculturist and according to his credit. The helpless agriculturist has nothing to fall back on except his own agriculture. He has no fresh fields and no other means to arrange for his livelihood. A large number of Indian patriots have been trying for the last half a century, to have a legislation passed for limiting the excessive and unconscionable rate of interest without any success. They have passed away from this world and that duty has now devolved on their successors. This is the state of affairs in India. I am sure that, whatever the figures may indicate, those who are conversant with the actual life of zamindars and tenants will at once say that they are sinking gradually but steadily into the depths of poverty. Their condition is going from bad to worse, and the land is passing into the hands of the capitalist, I mean the money-lender. I have stated in connexion with a speech of mine only the other day that the enormous number of transfers that take place in this province, both under the orders of the court and by means of private transfer, is an eloquent proof of the growing indebtedness and poverty of the agricultural classes. I find that property carrying a revenue of between 1 and 2 lakhs is passing every year into other hands under the orders of the courts and that a double amount is changing hands by means of private transfers. It is a pity that the Revenue Administration reports do not specify the amount of property which goes from the agricultural classes to non-agricultural classes. But I am sure that the bulk of the property which changes hands annually goes in the hands of the moneyed classes, I mean the non-agricultural classes. If my conjecture is right, then it is a very serious situation and it is up to the Government to consider it in a practical manner. Sir, I find that the Co-operative

department in this province has not been able to tap sufficiently well the tenant class and it has not at all approached the land-owning class. It has not approached either the big landlord or the small landlord. In the province of the five rivers the condition of affairs is different. That province has taken a lead in many matters of this kind. There the Co-operative department gets as much as between four and five lakhs of rupees from the Government for carrying on its activities, while the Co-operative Credit department in our province gets between two and three lakhs only. It has taken the lead by passing the Land Alienation Act long ago and the Act is said to have succeeded in relieving a large number of petty landlords and tenants. In our own province a similar Act is in force in the whole of Bundelkhand, i.e., in the Jhansi division and in parts of Allahabad, Etawah and Mirzapur districts. All the reports of the Board of Revenue show that it is working quite satisfactorily. Not only this, but the reports show that the inclusion of agricultural tribes in the list prescribed in the Act is looked upon as a patent of nobility of those classes. The reports also show that it has resulted in a great gain of land to the tenants and that a property worth about Rs. 40,000 or Rs. 50,000 has been saved in those parts owing to the operation of the Land Alienation Act. Considering this testimony of no less an august body than the Board of Revenue, I think it behoves the Government to take up the matter at once and to inquire into the suitability of a similar Act being applied to the rest of the province. Sir, I am sure that the Government is very sympathetically inclined towards the zamindars and the agricultural classes, and this assurance has come often and often even from the present Head of the province. If this be so, then we certainly expect this assurance to assume a practical shape in the way of the passing of the Land Alienation Act. Sir, I need not enter into the details of objections that may be raised against the passing of such an Act, but if such objections are raised from any side, I shall have an opportunity to reply to them in my concluding speech. I would only point out that we have waited long enough in this province for a legislation of this kind and any further delay would mean the complete ruin of the land owning classes. I remember that as far back as 1902, when I was assistant settlement officer in the district of Farrukhabad, the Settlement Officer Mr. Hoare, and I drew up a statement of the loss of property by hereditary landlords and found that while the Thakurs, Muslims and Jats had lost heavily during the thirty years period of settlement, the money-lending classes had gained very largely. This was as far back as 24 years ago, and I am sure that if statistics of a similar kind were collected now, the result will be amazing and it will lead the Government to take up legislation at once on the subject. With these few remarks I commend my resolution to the acceptance of the Council.

Hon'ble Sir Samuel O'Donnell : It was in 1911 that this question was last examined in detail by the Government. At that time statistics were obtained from all the districts showing the extent to which land had been transferred from the agricultural classes to the non-agricultural classes. As the Council is aware, the Bundelkhand Land Alienation Act is based on the distinction between the agricultural classes and the non-agricultural classes. The whole object of the Act is to prevent the transfer of land—at any rate on a large scale—from the agricultural

[Hon'ble Sir Samuel O'Donnell.]

classes to the non-agricultural classes. There are no restrictions on the transfer of land by the agricultural classes or tribes, as they are called in the Bundelkhand Land Alienation Act amongst themselves, but there are extensive restrictions on the transfer of land by members of the agricultural classes or tribes to members of the non-agricultural classes. It was therefore essential to know to what extent such transfers had been taking place and for that purpose these statistics were obtained in the year 1911. At that time the statistics seemed to show that there was not a sufficient case for taking legislative action. But that of course is nearly fifteen years ago. We do not know in detail what has happened in the interval. Therefore when a short time ago notice of a resolution similar to this resolution was given, we wrote to the districts and asked them to send details showing the extent to which transfers were taking place. We have not yet got the replies from the districts and I do not think it is likely that they will be in probably for some months, because of course it takes time to find out from every tahsil to what extent transfers have been taking place. As soon as we get these statistics we propose to examine the whole matter in the light of them. It is of course essential to know what the facts are, whether transfers are taking place on a scale which would justify legislation or whether they are not.

Khan Bahadur Hafiz Hidayat Husain : I would not detain the House longer than a few minutes. All that I want to say is that I appreciate the effort of Government to compile figures for making inquiries, but I do not see why this alone should take a long time. We have got registration offices and from those offices it would not be difficult to compile a statement of cases in which property has been transferred from the agricultural to the non-agricultural classes. I was told by the Settlement Officer who settled the Allahabad district, about 1912 or 1913, that the bulk of the land in that district had passed from the agricultural to the non-agricultural classes during the period from 1874, when the last settlement took place, to the year of the current settlement. This—from one district—shows that land is slipping away from the hands of the agricultural classes to the non-agricultural classes at a very speedy rate. The figures of the province as a whole, in which principally the Muslims are the victims, would not be less than 66 per cent. during this period. To combat this they have introduced the Money Lenders Act and the Land Alienation Act in Punjab. The result of these measures has been that land has been restored to the agriculturists which would have easily gone to the non-agriculturists in the land of the five rivers. We are shortly going to have a Royal Commission on Agriculture in India. That Commission is going to investigate into the land tenure, the land systems, and all such measures that would help agriculture generally. If we have a measure like the one this resolution recommends I think it would go a long way to improving the agricultural condition of these provinces, both of kashthars and petty proprietors. In the Tenancy Act we have got provisions restricting transfer of land, both occupancy and expropriary. Of course non-occupancy tenants do not count but we have got no restrictions on the transfer of those zamindari rights which may be termed peasant proprietary rights. In the Central Provinces Tenancy Act we have a provision—there is such a provision

in the Oudh Rent Act and also probably in the Punjab as well—which confers powers of pre-emption in the case of such transferable rights as detailed above, i.e., transfer from the agricultural to the non-agricultural classes. I feel sure that if the Government took up this matter in right earnest, many a family would be saved from ruin. I do not think the Government ought to be chary of accepting this resolution for the reason that the life of this Council is very short, and even if it did introduce the Bill in the August session, then probably it will have to go to the select committee and in the meantime the Council may be dissolved. It is the acceptance of a principle and the consideration of the condition of those who live actually on the soil that matters. I hope the Government will view this resolution in that sympathetic vein which it deserves.

Without this, I am afraid even the labours of the Agricultural Commission may not be able to save many a family from ruin and many a tenancy from lapsing into the hands of the money-grabber.

Khan Bahadur Shaikh Masud-uz-Zaman : The subject of the Land Alienation Act is one which interests me most, because, although it is said in the resolution that the Land Alienation Bill may be drafted on the lines of the Punjab Act, yet when the Bundelkhand Land Alienation Act was passed it was also said by the Government that it was on the lines of the Punjab Land Alienation Act. Sir, I had no opportunity of studying the practical side of the Punjab Land Alienation Act, but the way in which the Bundelkhand Land Alienation Act has been given effect to and the way in which it is worked is neither as equitable nor as successful as it was supposed to be when it was passed. I have read the speech of Pandit Madan Mohan Malaviya when the Bundelkhand Bill was before the old Council, and what he said then has practically come true word for word. He said, whether the passing of the Act and the advantages following from it will be advantageous to the people of Bundelkhand or the comparative disadvantages following from it in the form of reduction of the price of the land for want of any competition, will be greater was a very doubtful question.

I think today it is as doubtful whether the benefits that have been conferred by this Act do really benefit the agricultural tribes more than the disadvantages that follow from the Act, that is, the restriction on alienation of their property and consequential reduction of the value of the land.

Khan Bahadur Maulvi Fasih-ud-din : What about the reports of the Board of Revenue?

Khan Bahadur Shaikh Masud-uz-Zaman : I am only speaking from my experience on the spot. I do not know exactly what statistics the Board of Revenue has gathered about it, but I am not seriously disputing that point. I am not seriously opposing the passing of any measure to protect the land. What I beg to submit at this stage is that, however beneficial the Act may look, its real benefit will always depend on the way in which it is put into practice. My great grievance has been since I entered this Council, and even before I came here, that those tribes who are really agriculturists are excluded from the Act, and most of the people have been included who ought not to be. This submission of mine has been in the last Council supported by every member from Bundelkhand. People who have actual practical experience know and actually protest at the way in which the Act has been given effect to. For instance, a Bengali Brahmin is entitled to be an agriculturist in

[Khar Bahadur Shaikh Masud-uz-Zaman.]

Bundelkhand, while a Gujarati Brahmin is not. I will submit, Sir, that all Brahmins are included in agricultural tribes except the Gujarati Brahmins, is a kind of division that has been made in the application of the Act. I think that it is only those people who have not had practical experience of the Act who become enthusiastic on the face value of it. I will cite an instance in which one family living together and almost having relations of a joint Hindu family is divided into two for the simple reason that the Act declares Avasthi Brahmins to be non-agriculturists and Shuklas to be agriculturists and they are as nearly related as possible. So I only submit, Sir, that if the Act is going to be passed or taken into consideration on the lines of the Bundelkhand Alienation of Property Act, if it is intended that a special judge is to be appointed who will according to his own views declare the different tribes as agriculturists and certain others as non-agriculturists, I think then that it is not going to be a very great success in the whole province. We in this province are so situated, and so many different interests are vested in the land in this province, that it is difficult to draw a line of demarcation between agriculturists and non-agriculturists. If the old principle is adopted from the beginning and if on those lines the Act is going to be passed, I think it will prove a great success, and what is that old theory on which the Bundelkhand Alienation of Property Act was passed? It was said, and it was clearly understood when the Bill of Bundelkhand Land Alienation Act was before the Council that it was intended to protect the landed proprietor from the money lending classes. Well, the money-lending classes are, as we know, openly non-agriculturist; they are known to be certain classes, and it is from those classes that the land should be protected. But the way in which the Act is applied in Bundelkhand, and that is my chief complaint, is that it is not a division between the money-lending classes and the agriculturists but a division between the rich and the poor. Well, I submit, Sir, that Avasthi Brahmins for instance—I am only citing instances which are very apparent—because they were all happy and rich enough to look after their property, were declared non-agriculturist, while the Shuklas, because they were poor, were declared agriculturists. Similarly in the case of Muhammadans. Nau-Muslim Rajputs have been declared agriculturists simply because they are poor. Well, some of them claim to have been living in Mowdaha for 700 years, and I am glad that through my efforts some of the families have been declared some time ago to be agriculturists, because Government had reserved to itself power under section 4 of the Act to declare the classes from time to time to be agriculturists. There is certainly a provision of that nature. But I know how difficult it is for people who really want to be agriculturists to get themselves declared as agriculturists. In the first place, the Collector would not recommend. Even in very strong cases the Collectors hesitate very much as a policy to recommend different families to be declared agriculturists. So if, as I said, the Bill is going to be taken into consideration on the lines of the Punjab Act, this, I hope, will not be on the same lines in practice as the Bundelkhand Act, and even then the division must be a distinct one between the money-lending classes and the agriculturists. The money-lending classes are those who do not really want to possess land as the chief source of their livelihood or profession, but if they do, it has only fallen into their hands

to satisfy their decrees. Those people whose primary source of livelihood is agriculture, or landed property, they must be as a whole declared to be agriculturists, i.e. it must be in the Act as the policy itself. I would also submit, Sir, that if we do not have any definite policy when we draft the Bill, trouble will again arise as to who is an agriculturist and who is a money-lender. Even now, in the Bundelkhand Alienation of Property Act it is said that certain tribes are to be declared agriculturists; but it is not the "agriculturist", it is landed proprietor, for whose benefit the Act was passed. The definition is so very uncertain that agriculturists in the true sense of the term are not going to purchase property or sell property. By "agriculturist" is meant, not the man who does agricultural work; it is not in the interests of real agriculturists that the Bundelkhand Alienation of Property Act has been applied; it has nothing whatsoever to do with the interests of agriculturists in the ordinary sense of the word. "Agriculturists" there means landed proprietors. The definition there is not only vague but misleading. It is always difficult to say who is an "agriculturist" and a man whose primary source of living is land and landed property and not cultivation. "Cultivator" is not defined there as "agriculturist". For instance, there are hundreds and hundreds of Nau-Muslim Rajputs Musalmans in Bundelkhand who are agriculturists, who actually take to plough and go to the field. But they are not "agriculturists" there. They cannot purchase property and their property can be sold irrespective of their claims to hereditary agriculturists. What I would suggest is that the mistake which has been committed in passing the Bundelkhand Alienation of Property Act should not be repeated in taking this Bill into consideration. There will be hardly any person who will oppose such a Bill. In certain cases and to certain persons it has done lot of good, even in Bundelkhand, and to certain persons it has done great harm. Those people who have not been very careful and have been poor from the beginning have become spoilt Nawabs, so to say. Their property is being leased for one term after another. There is a provision in the Bundelkhand Alienation of Property and Encumbered Estates Act to the effect that property can be leased out by the Collector for the debt of an agriculturist up to a period of twenty years. What has become of the condition of such agriculturists who have been poor from the beginning and whose property has been so leased out. At one time their property has leased out for twenty years; but before the term of lease was over they were anticipating to lease it out for another term of twenty years, because during the term of the lease they must live and they must have something to live upon, and for that purpose they borrowed and they were again as poor as they were. Indeed, many agriculturists, because they get property at a very cheap rate without any sort of competition, have become rich capitalists. I know a number of agriculturists who have become very rich because they have been able to secure the property of poor agriculturists at very cheap rates, as the property could not be openly sold. There was no competition and so they got them very cheap. In this way they have secured large amounts of property. But the number of those who have been benefited by the Act is very small, whereas the number of those who have suffered tremendously and of those who have been ruined is very large. These are matters

Hon'ble the President: All this is very valuable information. The honourable member

Khan Bahadur Shaikh Masud-uz-Zaman : I submit, Sir, that these are . . .

Hon'ble the President : Order, order. What I was saying is that the honourable member should now bring his remarks to a close.

Khan Bahadur Shaikh Masud-uz-Zaman : Yes, Sir. I submit that these are considerations which should make one hesitate before giving full support to the passing of any measure of this kind. These are very vital things which one should consider seriously and one should not be misled by the face value of the advantages of the Act.

With these words I support the resolution.

Rai Bahadur Lala Mathura Prasad Mehrotra : I have heard the speeches of the honourable mover and supporter of the resolution with rapt attention. I also heard the remarks of the Hon'ble the Finance Member and my friend Khan Bahadur Masud-uz-Zaman on this resolution. We have just been told that up to the year 1911 it was not a success in Bundelkhand. The representative of the Bundelkhand division has also said that the Act has done little good but a great deal of harm. I myself am of the same opinion. It will not do as much good as is expected out of it. I have weighed the advantages and disadvantages of the Act as well as the conditions prevailing in the Punjab and United Provinces, and have come to the conclusion that the measure will not prove beneficial. In the Punjab they have majority of peasant proprietors who themselves cultivate the land. There is no intermediary body of landed magnates of the type as we have in the United Provinces. The idea of the Punjab Government may have been that such a body should not grow and the peasant proprietors should remain as they are. Perhaps it is for this reason that they have enacted the Land Alienation Act. But in these provinces there is an intermediary body of large landed proprietors and the peasants are not proprietors in the real sense of the word. Therefore I think the Act will not be as beneficial here as it is in the Punjab. Besides this, Sir, it will create bad feeling and unrest. Those who will be classed as agriculturists will think themselves superior and at an advantageous position to those who will be in the category of non-agriculturists and thus the latter will feel bitterly against this Act. Here, I find that men of all castes, whether they are Brahmans, Kayasthas, Khattris, or Agarwals, and even Bhargavas, are agriculturists, because agriculture is their principal occupation. So, the question of classification will present very considerable difficulty in the United Provinces.

Then, Sir, the dread of the impending settlement has already reduced the value of the land, and I am sure that the Land Alienation Act, if passed, will reduce it still further. Indeed, the latter fact was admitted by the honourable mover himself. Only the other day I went to discuss about the property of a certain taluqdar with the Senior Member of the Board of Revenue. I was of opinion that if the Court of Wards assumed charge of the property of that gentleman, it would be saved. The Senior Member, however, pointed out that while the income from the estate was Rs. 9,000 only, the taluqdar had incurred a debt to the extent of two lakhs. Moreover, it was not possible for the Court of Wards to sell the property prior to the settlement when it would pass out of his hands on account of the heavy interest. In such a condition, if the Land Alienation Act were enforced the value of the property would have

(been still further lowered, and consequently no man would have come forward to purchase it.

Again, since the banks have closed their doors against landed proprietors, the rate of interest on zamindari property has gone up—in certain cases up to 18 or 24 per cent. If the Land Alienation Act were to come into force, I think the rate of interest would go still higher—perhaps to 48 per cent. and the persons who will be classed as non-agriculturists would never like to advance a single shell on property. Thus, the difficulties would be insuperable. If the honourable member is anxious to help the agriculturists, I think it will be better for him to bring in a resolution of a kind that may help them in getting money on easy terms. For example, a bank for agriculturists should be started. This bank should advance money to zamindars on their property at a low rate of interest. I think that will be a real and substantial help, and not this Act, which will make the banks close their doors still further against the zamindars and which will also lower the value of the property and increase the rate of interest. Considering all these points, it is not proper for our provinces to copy the Punjab in this respect.

Raja Shambhu Dayal:

جناب پریسیڈنٹ صاحب —

اس ریزولوشن کے متعلق میں جو کچھ سمجھا ہوں وہ یہ ہے کہ پنجاب نا طریقہ یہاں بھی جاری کیا جائے۔ اراضی کی خرید و فروخت کے متعلق میں بالکل نہیں جانتا کہ پنجاب میں کیا طریقہ ہے اور وہاں کون کون سی باتیں ایسی ہیں جن کی وجہ سے پنجاب کے لیئے وہ قانون مفید سمجھا گیا ہے اور آیا ویسا قانون یہاں کے لیئے بھی مفید ہوگا یا نہیں۔ میرے خیال میں اس کونسل کی زندگی بہت تھوڑی باقی رہ گئی ہے اور دو دو بڑے بڑے معاملات ہم کو طے کرنے کے لیئے باقی ہیں یعنی آئرن ٹیننسی (Tenancy) ایکٹ اور بندوبست میرے خیال میں ہم کو پہلے اُن کو طے کر لینا چاہیئے اور اس زخم کو کچھ تھوڑا بہت مندمل ہو جانا چاہیئے اس نے بعد پھر ایسے قوانین کو لانا چاہیئے۔ چونکہ یہ ریزولوشن ہماری مخالف پارٹی کی طرف سے نہیں ہے بلکہ ہمارے معتبر بزرگ خان بہادر مولوی نصیر الدین صاحب کی طرف سے ہے اس لیئے سمجھہ کو کوئی شبہہ کرنے کی گنجائش نہیں ہے لیکن گردن کیا کہ میرے دل کو نہ اعتبار ہوتا۔ وہ معاملات جو زمینداروں کے لیئے اس کونسل میں لائے جائینگے سمجھہ کو تو کبھی بھی امید نہیں ہو سکتی کہ زمینداروں کے حق میں کوئی مفید بات کی جائیگی۔ عیان قاک لگائے بیٹھے ہیں اس میں بھی کچھ نہ کچھ ہم لوگوں کا نقصان ہی ہوگا رہیگا۔ بظاہر یہ معلوم ہوتا ہے کہ ایسی پابندیاں عائد کرنے سے زمین کی قیمت گھٹ جائیگی اور زراعت پیشہ لوگوں کا فرقہ توار دینہ میں بہت بڑا جھگڑا پیدا ہوگا۔ لہذا میں یہ عرض کرنا کہ اس وقت اس ریزولوشن کو خان بہادر صاحب واپس لے لیں اس وجہ سے کہ اگر ہم اس وقت اس کو تسلیم کرتے ہیں کہ کوئی بل گورنمنٹ کی طرف سے لایا جائے تو اس کے معنی یہ ہونگے کہ اس بل کے اصول کو تسلیم کرتے ہیں لہذا یہ ہم لوگوں کی صریحاً غلطی ہوگی جب تک کہ ہم یہ نہ سمجھ لیں کہ وہ بل ہمارے لیئے مفید ہوگا یا مضر ہوگا تب تک اس اصول کو تسلیم کر لینا میری رائے میں غلطی

[Raja Shambhu Dayal.]

ہی - گورنمنٹ کو اگر کوئی بل لانا ہی تو لے اور اگر کسی صاحب کو کوئی بل پیش کرنا ہی تو کہیں جب وہ اس کونسل میں آدینا تب اس کے اوپر غور کیا جائیگا کہ آیا یہ مفید ہی یا مضر ہی *

* یہ ریزولوشن تھا کہ راجکمار سنگھ صاحب کا ہی - خیر وہ تو راجکمار ہی ہیں ان کی نسبت میں کچھ عرض نہیں کر سکتا لیکن ہمارے خان بہادر صاحب جو ۴۰ نہیں ۵۵ سال سے یہی زیادہ اپنی عمر عزیز گزار چکے ہیں میں نہیں جانتا کہ وہ کس مصلحت سے اس موقع پر اس ریزولوشن کو لائے ہیں - ان تمام وجوہات سے جو میں نے عرض کیں ہیں اس ریزولوشن کی مخالفت کرتا ہوں *

Rai Sahib Lala Jagdish Prasad : I rise to oppose this resolution. I am sorry to oppose it, because the resolution comes from my honourable friend Khan Bahadur Maulvi Fasih-ud-din, for whom I have great respect. The object of the resolution, Sir, is to restrict the right of certain classes in the matter of owning land. I do not consider it advisable that in this twentieth century when we are out for political freedom we should seek to place a restriction of that nature on any class or classes. Every class or classes, in my opinion, should be free to own land. Besides my idea is that even the agricultural classes, will not be any the better by reason of a legislation of this nature, because, if an Act is passed, as suggested by my honourable friend, it will not be easy for the agricultural classes to get money as loan, as the money-lender when he knows that he is debarred from purchasing or owning land would naturally be loath to advance money. I do not think that the agricultural classes, who after all have to borrow money every day, will be happy under this state of things. Of course, if the Government is going to establish banks and take the position of the money-lender, that would be a different thing. Then, as my honourable friend Khan Bahadur Mr. Masud-uz-Zaman has just pointed out, the working of the Land Alienation Act in Bundelkhand has not been entirely free from evil. It has, in the words of my honourable friend, done more harm than good. If it has benefited certain classes, it has done more harm to other classes. Of course, the conditions in the Punjab may be quite different. I do not know what has been the result of the working of such an Act there. But I do not think any case has been made out for enacting a legislation of that sort for the rest of these provinces. With these few words I oppose this resolution.

Raja Narayan Pratap Singh : The resolution moved by Khan Bahadur Maulvi Fasih-ud-din has been opposed by three gentlemen who, I think, are afraid that if such a Bill is passed they will most probably be declared as non-agricultural classes. My friend, Mr. Mehrotra, questions what I have said. I claim to belong to a district, a part of which is enjoying the provisions of this Land Alienation Act, and I can say that had he been in that district or Bundelkhand he was liable to have been declared as belonging to a non-agriculturist class. The points which have been taken in opposition are six. The first point that Mr. Mehrotra has taken up is that the Act has not been successful in Bundelkhand and in some parts of the Allahabad and Etawah districts. From my experience of the latter district I can say that the inhabitants of the

trans-Jumna portion, to which this Act was applied, welcomed it and that it was quite successful there. It has done more good to the people there. Had the Act not been applied, I am afraid not more than five per cent. of agriculturists there would now have been in possession of the same land which they had before the application of the Act. The second point which Mr. Mehrotra has taken up is that there are no big zamindars in the Punjab. I am sorry to say that here again he has not got the experience of the Punjab, and I can say that there are very big zamindars in the Punjab. The next point of his is that there are no peasant proprietors in the Punjab. From the statement, which a few weeks ago was supplied by the Government in reply to a question of Dr. Shafa'at Ahmad Khan, one can very well prove that there are more than 70 per cent. of the zamindars in these provinces who are paying a very small sum of revenue, and they are nothing but peasant proprietors. To them it would do more benefit. The next point which Mr. Mehrotra has taken up is that the application of the Act would create a bad feeling between the agriculturist and non-agriculturist classes. From the experience of Bundelkhand and the Allahabad and Etawah districts nobody can say that there has been a bad feeling between the two classes. No doubt at present the relations in a majority of cases between the debtor and creditor are bitter, but there can be no increase in bitterness. The next point which has been taken by all the opponents of this resolution is that the value of the land will decrease. Naturally everybody would say that it will be so because there will be few competitors to purchase property. But the experience of the Etawah and Allahabad districts has clearly shown that it is not so, I do not know why. If this argument is questioned by my honourable friend, I am prepared to prove it, whenever he likes, that the case has not been so, in the Etawah district at least. I do not know if he is so much afraid, why he did not oppose the resolution if he considered that the application of any such Act or Bill will be harmful. I would ask him why he supported the resolution.

Khan Bahadur Shaikh Masud-uz-Zaman : I said, Sir, that the way in which it has been applied is wrong. I did not say that the Act is wrong.

Raja Narayan Pratap Singh : On the other hand, Sir, Raja Shambhu Dayal is afraid that if we recommend the drafting of a Bill on the lines of the Punjab Act, we will be committed to accept the principle. I am unable to understand his argument and I do not know how this House will be committed to accept the principles of that Bill by accepting the motion today. I can say that even in 1903 when the Bundelkhand Land Alienation Act was passed by the pre-Reformed Council, these very arguments, these very misapprehensions, were put forward and the present instance will show that they were not quite correct.

Khan Bahadur Shaikh Masud-uz-Zaman : They have come true.

Raja Narayan Pratap Singh : I do not agree with that. I say that this has not been the case. With these few words I would support the resolution moved by Khan Bahadur Maulvi Fasih-ud-din.

Rai Bahadur Thakur Hanuman Singh : I rise to support the resolution which is under discussion. I think that all those honourable members who have opposed the resolution have not adduced any strong ground for the non-adoption of the resolution by this Council. It is

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true that the Land Alienation Act cannot be a panacea for all ills, but I am sure that its extension to the other parts of the province will to a very great extent check the deterioration of the landlord's condition. At present everybody wants to give up his profession when he finds it is not paying well and is desirous of taking to agriculture. This is a great check to the spread of cottage and other industries. Those whose professions are now dying out think of giving them up and taking to agriculture, because they find that the professions which they had been carrying on from the time of their ancestors are not so paying as agriculture is.

Then, Sir, when there is a law passed to the effect that a certain class of persons can or cannot acquire land, they will in course of time get habituated and there will be no discontent among them. I disagree with Lala Mathura Prasad Mehrotra when he says that there will be much bad feeling amongst the different classes of the people. I think that if the position of the zamindars and other agriculturists and petty zamindars will be maintained, there will be greater contentment in the country than when the zamindars will lose their landed property. Our province, like the rest of India, is agricultural, no doubt, but from ancient times there have been numerous professions which were exclusively followed by certain classes, and now on account of foreign competition the indigenous cottage industries have died out and nobody can think of anything else but agriculture. Even those who go to different places, for example, Calcutta, Bombay, etc., to earn money, on their return do not want to invest that money on any other industry but agriculture. This is, to my mind, very detrimental to progress of cottage and other industries of the province.

There is one thing more. It is very necessary for the advancement of the country that as far as may be, people should not be dissatisfied with the Government. Whenever zamindars lose their property and become poor then they say that it is the result of the British *raj*. They do not think of their own actions, their own spendthriftness and the way in which they squander their money, but they begin to think that had not there been British *raj* their property would have been in their possession. It may be very foolish, but it is so. I think it will be very beneficial to the country and to the Government as well if the Land Alienation Act is passed and given effect to with such safeguards as may be considered necessary. For a long time to come the contentment of the people will depend on the contentment of the landlords, because it is they who can lead and guide the masses.

Rai Bahadur Thakur Mashal Singh : I rise to give my whole-hearted support to the resolution which has been so ably moved by my honourable friend from Budaun. The question is no doubt premature at present, because, as the Hon'ble the Finance Member has said, he had not been able to collect all the statistics on the point. But as to the utility of this measure there can be no doubt that the condition of the agriculturist and the condition of those lands which have been transferred from agriculturists to non-agriculturists is not good. There can be no agricultural development if lands are freely allowed to be transferred from agricultural classes to those men who have no interest in agriculture. The money-lending classes simply take interest in those speculations in which they

get more and more money, but they do not invest money in the improvement of lands nor do they treat their tenants well. They always try to squeeze as much money as possible from their tenants. The gentlemen who have opposed the measure either belong to that class or are friends to the Merchant of Venice. My honourable friend Lala Mathura Prasad said that there are no peasant proprietors in this province as there are in the Punjab. I think he is ignorant of the conditions of this province, when he says so. About more than half or, I should say, about three-quarters of the population of this province belongs to agricultural zamindars. All the petty landholders are classed as agriculturists and many of the big landlords are also agriculturists. So to say that there are no peasant proprietors in this province is quite absurd and is based on ignorance. The other argument which he brought forward was that the Bill if passed in this Council will lower the value of land. I think he has not grasped the point quite well. If the land deteriorates by having passed into the hands of non-agriculturists then the value will of course be lowered, but if it goes to a man who does agriculture, I think it will improve. Much damage has been averted in this very province in the tract of Bundelkhand by passing and introducing the Land Alienation Act in those areas, and, I think, if the statistics prove that a large number of transfers have been effected in the rest of the province and the land has passed from the agricultural class to the non-agricultural class, the same measure will be beneficial to the other parts of this province as well. The opposition which has been offered to this resolution by my honourable friend Raja Shambhu Dayal is simply ridiculous. He has advanced no argument worth the name against the resolution except relying, as is his habit, on some wits and humours, which are old and stale and are not appreciated now in this Council. He said that Khan Bahadur Maulvi Fasih-ud-din was now going to be a child, though he is above 50. I do not think it befits him to say this to a man whom we all respect not only for his age but for his intellect and for his learning. He himself said that he did not know the provisions of the Punjab Land Alienation Act, nor was he fully acquainted with the circumstances of that province and still he opposed the resolution. Unless he knew the facts well, I think he ought to have kept quiet. It is not suggested in the resolution that the Bill be passed at once. It simply says that some steps should be taken by Government with a view to bring a Bill in this Council on the lines of the Punjab Land Alienation Act. The assurance given by the Hon'ble the Finance Member that he is collecting some statistics and that when these are ready, he will examine the question carefully, is, I think, sufficient. In these circumstances I would advise my honourable friend the mover to withdraw the resolution at present. The Government is sympathetic to his resolution and will most probably bring forward a Bill as suggested therein when a suitable opportunity occurs.

Pandit Nanak Chand : I have listened with interest and attention the speeches that have been made in favour of the resolution, but unfortunately I remain unconvinced of the necessity and desirability of introducing such a measure on the analogy of the Punjab. Some of my friends here might dispute the main difference which exists between this province and the Punjab, but if we dispassionately compare the two provinces, we will have to admit that the Punjab is predominantly a province of peasant proprietors, i.e., the actual cultivator in the Punjab

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is also the proprietor of his own fields. So far as this province is concerned, we cannot deny that there is a comparatively smaller number of small zamindars who cultivate their own land, in the sense of peasant proprietors of the Punjab; thus we have to recognize the presence, in this province, of peasant proprietors to a limited extent in villages where the *bhairyachara* system prevails. I am not sure whether the percentages which have been thrown out by my friend from Etawah are correct, but in the case of our province it has to be admitted that our province has got a comparatively very large number of big and substantial landlords who do not actually cultivate their own lands, which are cultivated by tenants, who count not in hundreds or thousands but in lakhs. In the Punjab also there are some big landlords but their number is very limited as compared with these provinces and the number of tenants there who cultivate the land of these big landlords is not as large as it is here. In our province the real agriculturist is not the landlord, but the tenant who actually cultivates the land, and I personally consider all small landowners who cultivate their own lands in our province to be agriculturists in the true sense of the word. If the resolution were intended to be for the benefit of the actual cultivator of the soil it would have had my hearty support; if it were proposed that the actual cultivator of the soil who is now a tenant should be given special facilities to purchase land when the zamindar offers it for sale or when a zamindar's interest is put to sale through action of court, I would most heartily give my support to the honourable mover's resolution; but this is not what he suggests. It has been urged that this resolution is intended to protect the interests of the small landholders. I beg to differ from this suggestion. The result of any Land Alienation Bill if it is passed will be, as it has been in other places where it has been introduced, that the value of the land will fall because of the operation of simple economic laws. If you restrict the freedom of sale, if you curtail the number of purchasers in the market, then the competition for sale is limited to that small circle who are entitled to purchase and when you restrict the circle of competitors who are likely to purchase a commodity the result will be that a smaller price will be offered and the very landholder in whose interests this resolution is professed to have been brought forward will be a sufferer to the extent that the price of his property will be reduced. Besides this, if a small landholder gets into debt (it does not matter whether he has contracted this debt from a money-lender or from any person other than a money-lender or a person who is actually a money-lender by profession but who belongs to a caste which is recognized as an agricultural caste) and wants to liquidate it, but is unable to do from his savings or profits, he will have to sell a part or whole of his property, and that property, as I pointed out, will be offered for sale to a limited group consisting only of those persons who are termed agriculturists.

This division into agriculturist and non-agriculturist is after all artificial and superficial. In the Punjab I know it for certain that many people who actually cultivate the soil were, on the basis of caste, declared to be non-agriculturist; they were prevented from purchasing land, but their land could be purchased by others in spite of the fact that the purchasers were not actual cultivators. I personally belong to a caste

which was originally excluded as a non-agricultural caste though it consists very largely of actual cultivators. On representations and intensive agitation this caste was recognized as an agricultural caste in the Punjab in five districts, viz., Rohtak, Gurgaon, Hissar, Ambala and Delhi. According to this artificial classification, members of this caste are agriculturists within the geographical limits of these five districts only, but other people belonging to this same caste who are actually cultivating land in districts like Jullundar and other adjoining districts of these five districts are termed non-agriculturists; their lands can be sold to other people of other castes but they cannot purchase land except in these five districts. Thus we find that Gour Brahmins are agriculturists within these five districts but the moment they cross the boundary line they cease to be agriculturists and they cannot purchase land in the interior parts of the Punjab. I hope I have succeeded by this example in pointing out that this is a very artificial and superficial division of the community as a whole. Similarly, there are other castes which, though actually cultivating the soil, have been classed as non-agricultural castes. The result is that their properties can pass to other persons who are declared to be agriculturists, but they themselves cannot purchase property even for their own cultivation. As to why this step was taken in the Punjab I am not at present fully in possession of all the facts, but since it has been brought forward here I will endeavour to study this problem more in detail on the spot, if possible in the Punjab, so that I may be in a position, if this problem is brought forward again in this Council, to offer my more considered views. At present I have reasons to think that this question was taken in hand in the Punjab because the peasant proprietors were transferring their proprietary rights to the money-lending classes in lieu of debts, with the result that where these landholders or peasant proprietors sold their right of property in those small lands to other persons, an intermediary class was created between the actual cultivators and the Government. As peasant proprietors they have to pay their revenue direct to the Government through their lambar-dars. The result of these sales was the creation and extension of the system of zamindari which the Government of the Punjab did not like. They wanted to put a stop to it, because they did not want to face the future intricacies of relations between zamindars and tenants and they wanted specially to protect the rights of these peasant proprietors. Therefore with that view this legislation was brought forward. The actual cultivator of the soil in the Punjab has to pay a higher rate of interest on loans raised from agricultural castes and now finds that he cannot raise enough money for his requirements as the Act has reduced the value of the landed security. It has not prevented the sale of his holdings to other people. It has been contended by one of my friends that if the land is sold to persons belonging to castes classed as non-agricultural they do not invest money for improvement and do not take any interest except in rack-renting. I know of any number of cases of landlords belonging to classes or castes who are usually classed as agriculturists, but who are not actually agriculturists, who are as much landlords as any other person can be, and who are as rapacious as any non-agricultural zamindar can be. The immediate interest of every zamindar, whether he belongs to what you term non-agriculturist or agriculturist class is regarded to be to get as much profit in the shape of rents from the tenants as possible. I do not know many zamindars who belong to the agricultural classes who have

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made any improvements on the lands cultivated by their tenants. The actual cultivator in our province is the tenant. I do not see how his interests will be safeguarded by such a measure. The tenancies are not transferable, as they are not saleable, and I do not see how my learned friend the mover maintains that by introducing this change he will be benefiting the tenants as such. If the proposal is accepted, the small landlords' property will be sold at a smaller price, not to people of every caste, including members of the castes known as money-lending, but exclusively to the land-owning classes [recognized as agricultural castes. The land-owning classes who would purchase these zamindaris in future need not actually cultivate the land themselves. I have already suggested that if that proposal were that the future transfers should be restricted to the actual cultivators, and should not be on the basis of artificial or superficial division into agriculturists and non-agriculturists, it would have my support.

With these words Sir, I oppose the resolution.

Mr Muhammad Aslam Saifi : I move, Sir, that the question be now put.

The motion that the question be now put was put and adopted.

Khan Bahadur Maulvi Fasih-ud-din : I am extremely grateful to those of my friends who have supported me in connexion with this resolution and specially to my honourable and esteemed friend Rai Bahadur Thakur Mashal Singh. I am sure that most of my friends who have opposed me seem to have followed the old vernacular proverb that "a Qazi wanted to defeat me, but I would not allow myself to be defeated." Their arguments are simply to be cited for the sake of their refutation. One of the honourable members who has opposed the resolution has brought forward the queer argument that because there are peasant proprietors in the United Provinces and there are no such proprietors in the Punjab, therefore there should not be any Land Alienation Act in this province, while the other honourable member has suggested that because there are so many peasant proprietors in the Punjab and not in the United Provinces, therefore the Land Alienation Act which obtains in the Punjab should not be extended to this province. In fact I am inclined to think that those who oppose a righteous resolution suffer from short memories ; but, as has been advised by Rai Bahadur Thakur Mashal Singh, I am a little inclined to withdraw this resolution in the face of the assurance given to me by the Hon'ble the Finance Member. But before I make up my mind about this I should like to put one pertinent question to him. He says that figures up to 1911 have been collected and those figures do not make out a very strong case for the introduction of a Bill of this nature. I should like to ask him what has been the grouping of the various castes under the head of agriculturists and non-agriculturists ; what is to be the nature of such grouping in connexion with further inquiries. I find that all sorts of castes are engaged in agriculture and some members of those castes are also money-lenders. Take for instance the Vaish class. This class is considered to be a typical money-lending class, but I know by experience that a very large number of this caste are actually engaged in agriculture. So the result of the inquiry depends chiefly on the grouping, and if there is wrong grouping, then the result is very unsatisfactory and a correct grouping will alone lead to correct results. It is one of the

most important points that ought to be kept in view in connexion with this inquiry. I should like to be enlightened on that point.

Hon'ble Sir Samuel O'Donnell : I think Khan Bahadur Hafiz Hidayat Hussain has not quite understood me as regards obtaining statistics. He suggested that we could get the statistics by examining the registration offices. If we were to adopt that method somebody would have to be put on special duty in every district to examine all transfers of land during the last fifteen years. I am quite certain if we adopted that method it would take longer than the method we are now adopting. The position is that we have figures showing by castes the amount of land held in the year 1911. We have to proceed by castes because as the Council knows the whole classification under the Bundelkhand Alienation of Property Act is by castes. What we are doing therefore is to obtain figures which will enable us to compare the position as it is now with what it was in 1911. The honourable mover has asked me what the classification adopted in 1911 was. I cannot tell him now. I will, however, look up the papers and find out. I can only say that, whatever it was, it was made very carefully by six competent people. There is, as he himself says, this difficulty in classifying castes as agricultural and non-agricultural that some castes are partly agricultural and partly non-agricultural in their occupations. That is one great difficulty about legislation of this kind. The figures of 1911 were the result of a very exhaustive and careful inquiry, and are as accurate as they could possibly be for this purpose. It must be understood that I am not committing the Government in any way on the question put forward in the resolution. All I undertake to do is, as soon as the statistics are available, to examine this proposal in the light of those statistics.

The motion was, by leave of the Council, withdrawn.

RESOLUTION *re* RECOGNITION OF FOREIGN DEGREES.

Rai Sahib Chaudhri Sheoraj Singh : I beg to move:—

That this Council recommends to the Government to take immediate steps to instruct the heads of all departments that in the cases of candidates who are *bond fide* residents of these provinces no distinction should be made in the matter of all kinds of appointments between the degrees and certificates of the universities of this province and those of the universities outside it.

Sir, this resolution has been entrusted to my care by my honourable friend the member for Dehra Dun and Roorkee who had to go out today on public duty. It expresses the most important and urgent demand of the public for a fair and equitable treatment of those young and educated men who happen to pass their university and school examinations outside the province, but who are *bond fide* residents of this province. Hitherto a resident of this province who passes his examinations from the university of the Punjab or from any other university in India has been considered to be ineligible for appointment in Government service here. He has also no chance of getting an appointment in the province in which he has passed his examination or any other province, as he is not a *bond fide* resident of that province. This condition of the educated young men is pitiable indeed, and justice demands that they should be treated more fairly. It is very often the case that the father

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or guardian of a student is engaged in trade or in some profession outside the province, and in those circumstances the boy cannot help but pass his examination outside the province of which he is a *bond fide* resident. It would, therefore, be the height of injustice to treat him as unqualified. Most of the people residing in the border districts of this province naturally have connexions with the adjoining districts of the other provinces and they sometimes find it convenient to educate their children outside their own province. It would be a great mistake if they are debarred from appointments in their own provinces where they were born and of which they are *bond fide* residents. I submit, Sir, that it is a narrow-minded policy not to recognize the certificates and degrees of those universities which are outside this province, and the result is that the other provinces also retaliate on our province by not recognizing our diplomas and certificates. The degrees and certificates of the educational institutions of one province should be regarded as equivalent to the degrees and certificates of the other province and in the matter of appointments the only consideration should be in all fairness the question of the candidate's residence. Sometimes a man who passes from the Punjab, Madras, Calcutta or Bombay universities is educationally better qualified than one who passes from these provinces. In fact, the qualification depends more on the mentality and personality of the student himself than on the university; there is absolutely no justification in making invidious distinction between the educational institutions of one province or the other. The matter has been attracting serious public attention for the last several years and it is high time now that the grievance should be redressed at once. I appeal to the sense of justice of the authorities concerned in the name of fairness, equity and common sense to take immediate steps to redress the wrong which is being done to hundreds and even thousands of young men and their parents, and not to persist in a policy of drift and selfishness. The workings of the resolution in question are not very clear. The member for Dehra Dun and Roorkee evidently intended to refer not only to university diplomas, but to school-leaving certificates also. Moreover, in the Punjab and other universities there are only university examinations. However, I have no objection to accept the amendment standing in the name of Rai Bahadur Thakur Hanuman Singh, when moved. With these words, I commend my resolution for the acceptance of this honourable House.

Rai Bahadur Thakur Hanuman Singh: I rise to move an amendment to the resolution which has just been moved by Rai Sahib Chaudhri Sheoraj Singh. The amendment runs thus :—

- (i) Between the words "the" and "degrees" in the ninth line, *insert* the words "holders of."
- (ii) For the words "and certificates of the universities of" *substitute* the words "of the universities and the certificates of the Board of Intermediate and High School examinations."
- (iii) For the words "universities outside it" *substitute* the words "other provinces."

Now the resolution as amended will run thus :—

“ That this Council recommends to the Government to take immediate steps to instruct the heads of all departments that in the cases of candidates who are *bona fide* residents of these provinces no distinction should be made in the matter of all kinds of appointments between the holders of degrees of the universities and the certificates of the Board of Intermediate and High School examinations of this province and those of the other provinces.”

My intention in moving this amendment is only to make the resolution more explicit and to remove the vagueness of the original resolution. It is known to every one in this Council that those who pass their examinations from universities or receive their certificates from the Board of Intermediate and High School examinations of other provinces are not admitted into the Government service of these provinces. It is a great hardship and should be removed. To a question which was put in the Council by Khan Bahadur Hafiz Hidayat Husain the Hon'ble the Finance Member was pleased to reply :—“ There are rules in the Government departments prohibiting matriculates of the Punjab and Calcutta Universities, although residents of these provinces, from being taken in Government service. The rules apply to all departments in Government, although they have discretion to exempt in special cases.” Sir, I want that students, who are *bona fide* residents of this province, but who have taken their degrees from universities not situated in our provinces, or who have passed their intermediate or school-leaving certificate examinations from other provinces, should be eligible for employment under the Government of these provinces.

Khan Bahadur Hafiz Hidayat Husain : Does not the amendment of my honourable friend widen the scope of the resolution? In the original resolution the university degrees are under consideration, but my honourable friend, Rai Bahadur Thakur Hanuman Singh, wants to include within the terms of the resolution holders of the certificates granted by the Board of Intermediate and High School Examinations. So far as I am aware, the intermediate classes have been separated from the universities.

Hon'ble the President : The amendment that is sought to be moved by Rai Bahadur Thakur Hanuman Singh is clearly within the scope of the resolution, because, so far as I am aware, the universities of the Punjab and Bengal have not separated the Intermediate classes. In the United Provinces, however, the Intermediate classes have been separated from the Degree classes by the U. P. Intermediate Education Act. I have carefully considered the amendment, and I find that it is entirely within the scope of the resolution.

Rai Bahadur Thakur Hanuman Singh : The position of those candidates who receive their education in other provinces becomes most unenviable when they return to their homes and seek employment under Government. The province from which they pass their examinations refuses them on account of their not being residents of that province, while the province of which they are *bona fide* residents refuses them because they have not received their education at a school or university inside the province, and it is for the removal of a hardship like this that the honourable mover of the resolution and myself stand in this

[Rai Bahadur Thakur Hanuman Singh.]

Council. I hope the two learned doctors sitting opposite will also lend their support to the proposition in the name of fairness and justice. There is, however, one thing which I must mention in this connexion. If the bar that at present exists in regard to the admission of candidates who received their education elsewhere than in these provinces is removed, it does not mean that they would all be taken into Government service. The officer who makes the appointment will duly take into consideration the merits of all the candidates, whether they have passed their examinations from these provinces or not, and will select only those who are the best of the lot.

I can make bold to say that all the candidates who have passed their examination from universities other than those of our provinces are not inferior to every one who passes his examination from these provinces. There may be much superior men who take their degrees or receive their certificates from other provinces to those who pass their examination in these provinces. I hope the Government will do justice to the residents of these provinces and accept the resolution as it has been amended.

Hon'ble the President: The three amendments of Rai Bahadur Thakur Hanuman Singh which have been moved may be put into one, viz., for the words "degrees and certificates of the universities of this province and those of the universities outside it" the following words be substituted "the holders of degrees of the universities and the certificates of the Board of Intermediate and High School examinations of this province and those of the other provinces."

Dr. Zia-ud-din Ahmad: I am in agreement with amendments Nos. 1 and 2, but I find some difficulty as regards amendment No. 3.

Hon'ble the President: In that case all the three amendments will be put separately.

Hon'ble Sir Samuel O'Donnell: I have to oppose this resolution. There are in our opinion three objections to it. The first is that the standards vary in the different provinces. I shall not attempt to say where the standard is high and where the standard is low, but it is a notorious fact known to every one that the standard is not the same in all the provinces. The University standard and the standard of secondary education are not the same in all the provinces. And it is quite clear that it would be a very difficult and invidious task for us to attempt to distinguish between the provinces, a task indeed so difficult and so invidious that I regard it as outside the range of practical politics. We must either recognize for the purpose of Government service in these provinces the degrees and qualifications of the universities and Boards of Education in all provinces or none at all. As there are undoubtedly differences of standards; as the standards are not the same in all the other provinces as they are in these provinces, it is impossible to accept the first alternative. Therefore, we have to fall back on the second alternative, viz., of accepting only the degrees of the universities of these provinces and its school-leaving certificate.

The second objection, Sir, is this. It seems to us to be wrong to encourage young men of these provinces to go for their education outside these provinces. There is no lack of universities in these provinces. There

are four universities and there is an ample supply of secondary schools, and we see no reason to encourage them in any way to go elsewhere for education.

In the third place there is no guarantee in the case of other provinces that there has been adequate training in the vernaculars of these provinces. Clearly there can be no adequate guarantee on these points. For these reasons it has always been the policy of Government to accept as a qualification for Government service only the degrees and other qualifications granted in these provinces, and I am not aware that the other provinces pursue a different policy in the matter. Any way this has always been our policy. At the same time we recognize that individual cases of hardship may arise. There may be cases where, for reasons beyond their control, parents have to educate their children elsewhere than in these provinces. We have, therefore, reserved to ourselves the right to grant exemption in special cases, and in such cases exemptions have been granted. But we adhere to the view that, apart from special exemptions, only the qualification granted in these provinces should be recognized.

At this stage the Council adjourned for lunch.

After the recess.

Dr. Zia-ud-din Ahmad: I understand that the amendments are now before the House, and I want to say a few words about them. I understand that the intention of the first amendment is simply to improve the language. I think it does improve the language and we should accept it. The object of the second amendment is that we ought to include the certificates awarded by the Board. After the re-organization of the Allahabad University, the certificates which used to be given by the Allahabad University are now given by the Board of High School and Intermediate Education. Therefore the second amendment is also reasonable. The intention of the third amendment, if I understand the mover of the amendment correctly, is also to improve the language. But incidentally the meaning is changed. There is a difference between the universities outside the province and the universities of other provinces. When we say "the universities of other provinces," we mean the universities of the other provinces in India, and when we say "the universities outside the United Provinces," we include the universities of the United Kingdom, America and Europe. I hope that the intention of the honourable mover is not to exclude those persons who have taken their degrees from European or American universities. If it is so, then perhaps the wording of the original motion will probably be correct, because it includes universities outside India, that is to say, the universities of Europe and America. I do not like to support the third amendment, because it excludes the universities outside India.

Before I advance my own arguments in favour of this resolution, I take up the arguments that have been advanced against this motion by the Hon'ble the Finance Member. He opposed this resolution on three grounds. First, he said that it was difficult to judge the standards of the various universities; secondly, he said that we ought to discourage students going to other provinces; and, thirdly, he said that there is not ample provision for the teaching of the vernaculars of this province in

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the universities outside the United Provinces. I take these three objections in turn. As to the first, I entirely agree with the Hon'ble the Finance Member that this Government is not in a position to judge the standards of different universities in India. The Government of India said this very clearly. When they drafted the University Act, they reserved this power to themselves and did not give it to the local Government. They said very clearly that no university—and this include the Universities of Benares, Allahabad, Lucknow and Aligarh—will recognize the degrees and diplomas of any other university as equivalent to its own, except under two conditions. The first condition was that initiation should come from the universities themselves, that is to say, the academic council of these universities should sit down and judge very carefully the standards of various universities of different provinces. The second condition was that they must obtain the permission of the Government of India and not of the Local Government. Therefore they said clearly that the universities themselves and the Government of India are the only two bodies who are in a position to judge the equivalence of the standards, and they kept this particular thing outside the province of the local Government. The comparison of the standard of various universities is a central subject and as such it is outside the jurisdiction of the provincial government. The Government of India does not pronounce its judgement on the equivalence of the standards of different universities until they have consulted the academic councils of the universities, who always compares the courses of study, the standards of examinations, the minimum marks required for pass in each subject, the question papers and the results before making recommendations to the Government of India. If the Government of India, after going through all the procedure, are satisfied that the two standards are equal, then and then alone, they give permission to the university to recognize the examinations conducted by any other university or other authority equivalent to their own. When this procedure has been followed and the examinations of the two universities have been accepted by the joint consent of the two universities and the permission of the Government of India, I do not find any reason why the local Government may come forward and pronounce judgement that the standards are not equivalent. Reference was also made by my friend, and he also quoted the reply of the Hon'ble the Finance Member about the Matriculation examination of Calcutta and the Punjab universities. I have also seen the remark given by Sir Verney Lovett, on the application of one candidate, in which he said that the Calcutta matriculation is no matriculation at all. I entirely agreed with Sir Verney Lovett eight years ago. The standard of the Allahabad University at that time was very high, but whatever opinion was formed eight years ago is, I regret to say, not correct today. The standard of the matriculation examination as now conducted by the Board of Intermediate and High School examination is going down very fast, and I am sorry that the time is not far ahead when it will be the lowest in the whole of India. I had occasion to compare the marks allotted in the matriculation examination of the various universities, and I noticed that the Calcutta University was the only university which gave cent per cent marks in the examination. I had heard in my student life that no examiner gives cent per cent marks ;

they always deducted some marks for what the students usually call "the examiner's share." As an examiner, I have found that it is exceedingly hard, almost impossible, for any candidate to acquire the standard that the examiner had fixed, in his mind and therefore cent per cent marks was an impossibility. The Calcutta University was the only University which gave cent per cent marks to a fairly large number of students. This example is now being followed by the Board of Intermediate and High School examination. You will find that a fairly large number of students did acquire 100 out of 100 at the last examination.

The other reason for the lowering of the standard was that in Calcutta (I take Calcutta as a standard) the examination was conducted in vernacular, and it was said that if a person had written very good Urdu, he gets pass marks and his chances are very much improved if he writes relevant to the question. Our Board goes a step further. They not only allow Urdu and Hindi, as media of examination, but recently they have passed a resolution which, I hope, will receive the assent of the Government, saying that no school will be recognized and no grant will be given to any school unless it teaches compulsorily in Urdu or Hindi and they exclude the English medium from the High Schools. If we follow these principles a little further, then I can say, that the danger which my honourable friend the Finance Member apprehends from the experience and circumstances happening about six years ago, will no longer be true today. He will have to go to the other provinces to find out competent persons.

As regards the second argument, about shifting from one province to another, this also has some reference to circumstances a few years back. No doubt six years ago there was a tendency which everybody noticed among the students to shift either to the Punjab or to Calcutta to obtain a certificate of the Matriculation examination, but this is no longer the case now and probably the flow will be in the opposite direction after a few years. The Calcutta University people may come to the United Provinces to pass the High School and intermediate examinations as private candidates and so the precaution which was required six years ago is no longer necessary today. I am sure that there is no need in this case to restrict the standard, because after a few years the product of other universities will be better than what we will produce at home.

There are two points which I should like to bring forward before the members of this House about the necessity of opening the doors to the students from other provinces. One is that there are certain appointments which are in the nature of all-India appointments. The persons holding these appointments, as in the postal department, railways, etc., are transferred from one province to another, and they are compelled to have their sons educated outside the United Provinces and unless we remove these restrictions which my honourable friend the mover had in mind, it will be very hard for these persons who are engaged in all-India services.

The second point to which I should like to draw attention is the specialized study. There are certain institutions providing specialized studies which do not exist in these provinces. Take, for example, agricultural instruction, it is very desirable that the students who are educated at Pusa should have the chance of employment in preference to the candidates educated at the Cawnpore Agricultural College. Students who are trained at the Bangalore College of Science should have a prior

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claim over the students who are trained in the Technological Institute, Cawnpore. Similarly, there are other specialized institutions in Bombay, Lahore and Dhanbad and other places which do not exist in these provinces, and therefore it is very desirable that we should have our doors open to those students who are trained in specialized institutions and may have acquired special qualifications.

I think these two arguments are sufficient in answer to the second objection raised by the Hon'ble the Finance Member.

The third point which was raised by the Hon'ble the Finance Member was the question of the study of Vernacular. Perhaps the Hon'ble the Finance Member is not aware that there is not a single university in the whole of India which does not recognize Urdu and Hindi as equivalent to the vernacular of its province. I mean Urdu or Hindi are recognized as languages in all the university examinations in every university in India.

Hon'ble Sir Samuel O'Donnell: Is it taught in all the universities?

Dr. Zia-ud-din Ahmad: Urdu is taught in every university and Urdu schools exist in Bengal, Madras, and Bombay, not to speak of the Punjab. Hindi is taught in all the institutions in Bihar, Central Provinces and a good many institutions in Bombay and other places. The first condition of employment that we require is that the candidate should be a *bond fide* resident of these provinces. This condition is just and the resolution very clearly asks that it must be open to candidates of these provinces alone. The second thing is, that the candidate possesses the necessary qualifications required for the post and that the candidate has got good moral character and comes with good recommendations and is thoroughly reliable. The fact where he was educated, whether he was educated in the United Kingdom, in America or in Timbuctoo, or even in the plaine of Mars, should not prejudice his case. I should say that the employers should see that the article is good: where the articles are produced should not be the concern of the employer.

The other thing as regards employment in this province and elsewhere is that the Government unfortunately recognizes the examinations conducted by the universities as a passport to Government service. This is a principle which is radically wrong, and it is on account of this fact and this fact alone that the standard of university examinations has gone down. The teaching in the universities has been subordinated to the requirements of the Government and the ideal of the universities has been changed. Instead of imparting sound education they really train persons for Government service. What ought to be, and it is the only right policy, is that the Government, as in Germany and other countries, should conduct examinations for their services. They should put down the minimum qualifications for service and afterwards should conduct their own examination and use their own machinery for recruitment. The Government of these provinces has followed this principle in the case of recruitment to the provincial service. Indeed that is a very sound principle, and I see no reason why should the same principle not be extended in the case of employments in other departments. The Government of India has already instituted a staff selection board for employment in the Secretariat. The Government of these provinces may institute an examination

of its own or accept the examinations conducted by the Government of India, and should leave the universities alone to teach whatever it likes and in the manner in which it likes. The real solution of the difficulty is that the Government should not take the certificates and diplomas of universities as passports to Government service. The Government should institute its own machinery for conducting examinations and for recruiting its candidates. But as long as this machinery is not instituted and so long as the Government depends upon the University qualifications and University diplomas alone, I see no reason whatsoever why the Government of this province should come down to sit in judgement and say that this university is right and that university is wrong.

Dr. Ganesh Prasad : Before I consider this question on its own merits I would make an earnest appeal to the Hon'ble the Finance Member to recognize the magnitude of the problem which the resolution is intended to solve. I wish to assure him that in the great city of Calcutta alone there are no less than three lakhs of natives of these provinces. Go along any street there and you will find that this constable or that is a Chaubey, hailing from the place from where my esteemed friend on the left hails, I say that in the lower ranks of the Calcutta police nearly all the posts are occupied by the natives of these provinces. Many of the police are from these provinces and many of the small traders are from these provinces and that is not the case only with Calcutta. Also in the interior of Bengal I found many of the lower class of the people coming from these provinces. The Hon'ble the Finance Member asked me how coolies or constables are interested in university degrees. I have repeatedly said on the floor of this House that it is the birthright of the humblest of the humble to receive education and to see his children educated, and I am sure that there are many of these constables, coolies and small traders who are getting their children educated in Calcutta. Not only is this the case in Bengal but it is also the case in Assam. Hundreds and thousands, not only coolies but small traders and constables, are found there belonging to these provinces. Go further, and you will find in Burma the same thing and even as far as Singapore and Penang. As a matter of fact, it is a matter of considerable interest to us that the natives of these provinces are among the most adventurous people in the whole of India. They have spread themselves not only in the whole of India but many of them are to be found outside India. Therefore my appeal to the Hon'ble the Finance Member is that the resolution should not be disposed of by him, if I may say so without any disrespect to him—in a rather light-hearted fashion. The problem connected with this resolution is one which must be tackled. I hail from one of the frontier districts of these provinces, namely, Ballia, and I can say that there are hundreds of my own relatives who are to be found just on the border in the district of Shahabad. I am technically a United Provinces man, though ethnologically, Bihari and United Provinces people are the same, and if we cannot stop social relations and marital relations between the two, are we going to say that we should not go over the border and get ourselves educated in the district of Arrah or in the University of Patna? All these matters have been lightly brushed aside by the Hon'ble the Finance Member.

In the year 1857 three universities came into existence in Calcutta, Bombay and Madras. Each university in its turn gave

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birth to a number of other universities and these children of the mother universities have naturally imitated the standards of the examinations of the older universities. In the Benares Hindu University we have got practically the same subjects as in Calcutta, Allahabad, Aligarh or Lahore. Therefore, I do not think that the question of standard should be considered a matter of very great difficulty. Standards are not identically the same. They will differ. Two teachers do not teach exactly in the same manner and examinations cannot be conducted in identically the same manner, because there is the personal equation of the examiner and the personal equation of the teacher.

I come now to some of his arguments and I will try to be, if I may say so, as respectful to the Government benches as I am always respectful to them. First of all I take up the question of standard. As regards the difficulty in the matter of standard, it is admitted that the standard of one university is not *identically* the same as the standard of any other university, but is there any one who will challenge my statement that the standard for the B. A. degree of any university in India is *practically* the same? The number of subjects to be examined in is the same, the number of marks allotted for each subject is the same and practically the standards are the same.

Then, Sir, the next point of the Hon'ble the Finance Member is that according to him it is wrong to encourage young men to go outside these provinces. I want, before I take up that matter, to say something more in connexion with the difference in standards. At first I did not intend to say that because I did not wish to appear to be disrespectful to some of my esteemed friends here. But I am very sorry that I must say that when the question of giving employment to a gentleman hailing from a distance of eight thousand miles arises, the Government has absolutely no difficulty in finding employment for him. The standards are certainly different in the various universities of the United Kingdom, the standards are in some of them ridiculously low and still there is absolutely no difficulty felt by the Government of the United Provinces. I have got my very esteemed friend Mr. Mackenzie on my right and he will bear me out when I say that in the distinguished service of which he is a very distinguished member there are a number of gentlemen who hail from the provincial universities of the United Kingdom. There are of course a number of gentlemen who hail from the Universities of Cambridge and Oxford, but I may inform this honourable House of what was said about the provincial universities of the United Kingdom by a most distinguished gentleman, Dr. W. H. Young, one of my own predecessors in the Chair that I hold in the Calcutta University. He said :—"The course of instruction at these provincial universities is frequently such as to provoke a smile on the face of the continental man of science, when he has occasion to refer to them." As regards the entrance examinations the same scholar said :—"It is not too much to say that in no part of the civilized world, as far as I am acquainted with, is the standard quite so low as in the entrance examinations of the English universities." These remarks are taken from a book which Dr. Young wrote in 1916.

I think that according to a Persian saying I may say *و کسبش*

So much then for the educational conscience of those who sit in the seats of the mighty in these provinces.

I take up my second point. As regards a difficulty which stood in the way of the Hon'ble the Finance Member, he said that it was wrong to encourage young men to go outside these provinces. I say that this is a matter of high politics. It was never considered wrong in the year 1900 to let people go outside these provinces. I am a fairly old man and I remember that in the year 1907 when the great partition agitation sprung up in Bengal there were all sorts of qualms of conscience felt by high Government officials who did not wish that any student should be allowed to go over the border into Bengal nor did they wish that Bengali student should be allowed to come and stay here in the United Provinces. I say that in the eyes of the Government it is a question of high politics. In Germany the great national unity was obtained simply because of the university system that prevailed there and still prevails there. After 1814, the German Governments encouraged young men to migrate from university to university as students. They encouraged young men to go on long tours in the university vacations. In Germany even now almost every university student during his vacation time travels hundreds of miles into the interior because that is the way in which unity can be brought about between various classes in a country and naturally so. In the case of the Government of these provinces and in the case of the Government of India it is considered to be extremely objectionable by them to encourage young men to go from one province to another; it is considered almost a disqualification for a Bihari to go over the borders from Arrah or Dumraon to Ballia and *vice-versa*. That as I have said is, of course, a question of high politics. But I would appeal to the Hon'ble the Finance Member to give up this political attitude of the Government because we are now no longer babies. We realize what is passing in the minds of the high Government officials and we do not give as much credit to them for their acts of omission and commission as probably they would expect us to do.

Then the third argument which the Hon'ble the Finance Member brought forward is that there is no guarantee of adequate training in the vernaculars of these provinces in the other provinces. Unfortunately I am a member of the Senate of the Calcutta University—or fortunately I should say—and only recently we in the Senate insisted on not only Urdu, Hindi, Behgali, Oriya but in fact about 30 vernaculars being properly taught as subjects of examination. As everybody knows, the Calcutta University is the greatest university in the whole of India and it has recognized as many as 30 vernaculars. We insisted that not only Urdu and Hindi should be subjects in which examinations—fairly stiff examinations—should be undergone by the candidates, but we insisted that these subjects should be taught, just as Geography, History, etc., are taught. That I suppose should satisfy the Hon'ble the Finance Member. These are the subjects that are taught and I can show to him the particular resolution of the Senate which was passed in the teeth of opposition from certain Government educationists, for example, the Principal of the Presidency College and one or two others.

I maintain that in the matter of the difference of standard, if the University of Allahabad has recognized that the Intermediate examination of any university created by legislature is equivalent to the intermediate examination of the Board of Intermediate Education over which Mr. Mackenzie presides—that of course is a matter of ordinance and statute and I hope Mr. Mackenzie will agree with me that the

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statement is in the University Calendar—the Allahabad University recognizes the Intermediate examination of the Calcutta University, of the Bombay University or of the Punjab University, it is not very dignified for anyone in the Government to say that he does not accept that finding of the Allahabad University. The Allahabad University is an expert body. It has got more opportunities, more leisure, and, if I may say so, more knowledge to find out which intermediate examination is to be accepted as equivalent to the intermediate examination of the Board of Intermediate Education and which not, and if it has accepted the intermediate examination of the various universities of India as equivalent to the intermediate examination of the Board of Intermediate Education, I do not see why the Hon'ble the Finance Member should think that he would not be able to accept that finding. Probably, he was not aware of this particular fact, but I may assure him that that is a matter of ordinance and that ordinance was passed in accordance with a particular section of the Act.

As regards the objections which might be raised to this particular resolution I will be frank enough to point out one or two. I am very sorry that the Hon'ble the Finance Member did not touch those objections. One of the objections may be that we should try to solve the problem of unemployment. If any one goes outside these provinces, he being an adventurous man, let him forge his career for himself outside these provinces. If people are homely and live at home, they are more to be looked after. But this difficult problem of unemployment has never attracted the attention of the Government seriously and I really do not see how they can raise this particular objection. Therefore, I maintain that to encourage young men to go into the neighbouring provinces—into the province of Bihar, into the Central Provinces, into the Punjab—is absolutely necessary for this Government, which has got such a small number of schools considering the population, which has got such a small number of intermediate colleges, and whose whole policy has been to control the output of literates in every particular matter. I have got here some figures. One in 150 of the population of the United Provinces knows something of English; he cannot understand Shakespeare or Milton or speak English intelligently enough to be understood by the Director of Public Instruction, but he can just say that "I am a fairly good man, I am a Hindu or a Muhammadan" that is all. Out of these people, i.e., barely one in 150, I think only one in 1,000 might be said to be such as may be considered to be educated up to the intermediate standard. If the policy of the Government is what I have stated, I suppose that the Government would certainly try to prevent people from getting over the border and bringing with them the poison of high education. But if that is the policy of the Government, let it say so frankly. But it has never had the frankness—I will not say courage because I believe the Government is courageous enough—to say that its policy is to control the output of literates in English and to control the output of people who are fairly educated. Therefore, I think that I have made out a very good case in favour of this resolution, not only in the interests of the people who are affected by it but also in the interests of the good name of the Government because opposition to this resolution after what has been said by Dr. Zia-ud-din Ahmad and myself—and that

has not been contradicted and is not likely to be contradicted by anybody—would simply mean that the Government is obstinate and is simply trying to prevent the education of some of the United Provinces people in the neighbouring provinces because it considers that high education or education in English is dangerous to its own interest.

Rai Sahib Chaudhri Sheoraj Singh : I am grateful to the non-official members of this House for their unanimous support. It is hardly necessary for me to say anything after the speeches of the two learned doctors. They have met all the objections of the Hon'ble the Finance Member and I do not think there is any necessity to add anything more to what they have said. In the circumstances, I have no option, but to put my resolution to the House. As I have already suggested, the Government is only anxious to get the best men for employment and so it should not insist on degrees issued by the various universities. Within certain geographical limits. The only thing before Government should be that the candidates should be competent. When there are selection boards in nearly all departments, I do not think that if this bar is done away with there will be any harm. It is the legitimate right of every educated young man to seek for employment in his native province. This resolution is of a non-controversial nature, and I hope that the Council will be pleased to adopt it, in spite of Government opposition.

Hon'ble Sir Samuel O'Donnell : The first point which I took as regards this resolution related to the educational standard which the degrees of various universities connoted. I pointed out that there were differences in the respective standards. If I understood him aright Dr. Zia-ud-din maintains that though there were differences in the past, now there are no differences, that the standard is the same in all universities in India. When I say "standard" I am not referring to identity in the papers set in the examination or identity in the personnel of the examiner—I am referring to the standard of educational attainments which a degree of a particular university connotes. I understand that Dr. Zia-ud-din says there are no differences in the standards of the various universities. I do not agree with him on that point. I am not going to specify the university or universities I have in view, but I say that in my opinion there are differences, and that there is at least one university in this country whose standard is not as high as the standard of the Allahabad University. If that is so, if I am correct in saying that there are differences in the matter of standard, what are we to do? We must either accept the degrees of all universities in which case we definitely lower the qualification for Government service, or we must accept the degrees of certain universities and reject the degrees of others, and that, I maintain, would create an extremely invidious distinction and would cause much resentment. Dr. Zia-ud-din said that the flow of students from the United Provinces was increasing. I am informed by the Director of Public Instruction on the other hand that there are quite a number of young men who, having failed in the High School examination of this province rush off to another province in order to pass the matriculation there, hoping to come back and get into the universities here, or into Government service. Dr. Zia-ud-din said, and I think Dr. Ganesh Prasad also said, that Urdu and Hindi were taught in all the universities in India. Well, Sir, I have no special information on the point. However, I have consulted

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the Director of Public Instruction and he authorizes me to say that he is surprised to learn that there are adequate arrangements for the teaching of Urdu and Hindi in all the universities in India.

Then we were told by Dr. Zia-ud-din that there were specialized institutions in other provinces. He probably has sources of information which I have not, but here again I consulted the Director of Public Instruction and he says he does not know what these specialized institutions are. We have an engineering college, we have also a medical college, in these provinces.

Dr. Zia-ud-din Ahmad: I was referring to the Bengal College of Science.

Hon'ble Sir Samuel O'Donnell: Is science not taught here? Is there no arrangement for the teaching of science in these provinces?

Hon'ble the President: Anyway that has nothing to do with the resolution before us.

Hon'ble Sir Samuel O'Donnell: And, lastly, Dr. Ganesh Prasad adjured me to bear in mind the extreme magnitude of this problem. He said there were large numbers of persons from the United Provinces who had settled down in Bengal and other provinces. I have no doubt there are, but on his own showing the great majority of them are employed either as coolies or constables. I have no desire to question the right of any person to have his children educated in a university. But the fact remains that as a rule coolies do not send their children to schools, nor do constables. And many of these United Provinces people who have actually settled down in other provinces are doubtless eligible for employment in that province which has become their place of residence. And, lastly, Sir, I should like to point out that as far as I am aware there is no other province which recognizes the degrees of our universities for their services. Why then should we adopt a different course, why should we encourage people to go to other universities and get their education there?

Dr. Zia-ud-din Ahmad: A point of order, Sir. I think the comparison of standards of . . .

Hon'ble the President: Order, order. That is not a point of order at all.

The first amendment of Rai Bahadur Thakur Hanuman Singh was put and adopted.

The second amendment of Rai Bahadur Thakur Hanuman Singh was put and the House divided as below:—

Ayes (20).

Mr. H. C. Desanges.
Babu Jai Narayan Chaudhri.
Rai Sahib Chaudhri Sheoraj Singh.
Lala Babu Lal.
Raja Suryopal Singh.
Raja Narayan Pratap Singh.
Rai Sahib Babu Dip Narayan Roy.
Rai Bahadur Thakur Hanuman Singh.
Mr. Muhammad Aslam Saifi.
Khan Bahadur Chaudhri Amir Hasan Khan.

Mr. Muhammad Ismail Ali Khan.
Dr. Zia-ud-din Ahmad.
Khan Bahadur Shaikh Masud-uz-Zaman.
Saiyid Muhammad Ashiq Hussain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Bahadur Hakim Mahbub Ali Khan.
Khan Bahadur Munshi Siddiq Ahmad.
Raja Saiyid Ahmad Ali Khan Alvi.
Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Dr. Ganesh Prasad.

Nos. (23). 3

Hon'ble Sir Samuel O'Donnell.
 Hon'ble Lieut. Nawab Muhammad Ahmad
 Sa'id Khan.
 Hon'ble Rai Rajeshwar Bali.
 Hon'ble Thakur Rajendra Singh.
 Hon'ble Nawab Muhammad Yusuf.
 Mr. G. B. Lambert.
 Mr. E. A. H. Blunt.
 Kunwar Jagdish Prasad.
 Mr. G. B. F. Muir.
 Mr. P. H. Tillard.
 Mr. H. A. Lane.

Mr. R. L. Yorke.
 Mr. R. Burn.
 Mr. A. W. Pim.
 Mr. B. J. K. Hallows.
 Mr. C. M. King.
 Mr. H. G. Billson.
 Mr. R. J. S. Dodd.
 Colonel A. W. R. Cochrane.
 Mr. A. H. Mackenzie.
 Mr. G. Clarke.
 Mr. H. David.
 Babu Khem Chand.

The amendment was therefore negatived.

The third amendment was, by leave of the Council, withdrawn.

The amended resolution was put and the House divided as below :—

Ayes (24)

Mr. H. C. Desanges.
 Babu Jai Narayan Chaudhri.
 Rai Jagdish Prasad Sahib.
 Pandit Nanak Chand.
 Lala Babu Lal.
 Rai Bahadur Babu Ram Nath Bhargava.
 Raji Suryapal Singh.
 Raji Narayan Pratap Singh.
 Rai Sahib Babu Dip Narayan Roy.
 Rai Bahadur Thakur Hanuman Singh.
 Bhaya Hanumat Prasad Singh.
 Mr. Muhammad Aslam Saifi.
 Khan Bahadur Chaudhri Amir Hasan
 Khan.

Mr. Muhammad Ismail Ali Khan.
 Dr. Zia-ud-din Ahmad.
 Khan Bahadur Hafiz Hidayat Husain.
 Khan Bahadur Shaikh Masud-ur-Raman.
 Saiyid Muhammad Ashiq Husain.
 Khan Bahadur Maulvi Fasih-ud-din.
 Khan Bahadur Hakim Mahbub Ali Khan.
 Khan Bahadur Munshi Siddiq Ahmad.
 Raja Saiyid Ahmad Ali Khan Alvi.
 Khan Bahadur Chaudhri Muhammad Rashid-
 ud-din Ashraf.
 Dr. Ganesh Prasad.

Nos. (24).

Hon'ble Sir Samuel O'Donnell.
 Hon'ble Lieut. Nawab Muhammad Ahmad
 Sa'id Khan.
 Hon'ble Rai Rajeshwar Bali.
 Hon'ble Thakur Rajendra Singh.
 Hon'ble Nawab Muhammad Yusuf.
 Mr. G. B. Lambert.
 Mr. E. A. H. Blunt.
 Kunwar Jagdish Prasad.
 Mr. G. B. F. Muir.
 Mr. P. H. Tillard.
 Mr. H. A. Lane.
 Mr. R. L. Yorke.

Mr. R. Burn.
 Mr. A. W. Pim.
 Mr. B. J. K. Hallows.
 Mr. C. M. King.
 Mr. H. G. Billson.
 Mr. R. J. S. Dodd.
 Colonel A. W. R. Cochrane.
 Mr. A. H. Mackenzie.
 Mr. G. Clarke.
 Mr. H. David.
 Babu Khem Chand.
 Rai Bahadur Thakur Masbal Singh.

Hon'ble the President : This is the first time during the incumbency of my office that the duty of casting a vote has fallen to my lot. It is a difficult matter. As a non-official, of course, my sympathies are one way. But there are precedents created for me by my predecessor in office and by parliamentary practice in the matter of casting votes which must be for the maintenance of the *status quo ante*. In this particular case the House can give a clear indication of its views by a clear majority again. I must, therefore, perforce give my casting vote against the resolution.

The resolution was accordingly negatived.

RESOLUTION *re* POSTPONEMENT OF SETTLEMENT OPERATIONS.

The following resolution standing in the name of Rai Sahib Munshi Amba Prasad was considered as withdrawn in the absence of the honourable member concerned.

"That this Council recommends to His Excellency the Governor in Council that no revision of settlement be undertaken on the termination of the record operations that are going on in many districts of the provinces till the question of enhancement of the term of settlement is finally decided."

THE UNITED PROVINCES MUNICIPALITIES (AMENDMENT) BILL.

Motions for leave to introduce a Bill to amend the United Provinces Municipalities Act, 1916, and to refer the Bill to a select committee standing in the name of Babu Jai Narayan Chaudhri were withdrawn.

RESOLUTION *re* ENCOURAGEMENT OF HINDU PATHSHALAS.

The following resolution standing in the name of Lieut. Raja Durga Narayan Singh was considered as withdrawn in the absence of the honourable member concerned.

"That this Council recommends to the Government that an additional substantial grant be given to those District Boards in particular which have already started Hindu Pathshalas and to all District Boards in general to do away with the educational backwardness of Hindus."

RESOLUTION *re* FOUNDATION OF A HINDUSTANI ACADEMY.

Khan Bahadur Hafiz Hidayat Husain : I beg to move—

"That this Council recommends to the Government to establish an academy in these provinces called the Hindustani academy to promote the growth of Hindi and Urdu literature and to set apart every year a sum of two lakhs of rupees for the same."

My idea in moving this resolution is that I wish the Government of these provinces to patronize as fully as the importance of the subject demands, the promotion and growth of Urdu and Hindi literature. Now Sir, the aims and objects of my proposed academy ought to be to offer prizes for original works on various physical and social sciences, the fine arts, literature and other objects written in the Urdu and Hindi languages. I understand that in the province of the Punjab, Diwan Bahadur Raja Narendra Nath moved a resolution to the same effect as I am moving today and it has been given effect to by the Government there. The object of that resolution was that Hindi, Urdu and Gurmukhi literature should be developed under the patronage of the Punjab Government and the Government should offer prizes for the best books written in Hindi, Urdu and Gurmukhi, on various subjects, as detailed by me. This also should be the first object of the proposed academy. The second object of this academy should be to arrange for the translation or adaptation into Hindi and Urdu of books from other languages. I think that it was in February last that the representative of Benares, Pandit Yajna Narayan Upadhaya, moved a resolution to the effect

that a Translation Bureau should be established in these provinces for the translation of books into the vernaculars. That resolution has been adopted by the Council. If this resolution of mine is adopted, a wider scope to the activities in that field will be secured and the Translation Bureau can become a branch of this Hindustani Academy and contribute to the general progress of indigenous literature.

The third object is that this academy should arrange for the editing of old Urdu and Hindi books. Now, Sir, it cannot be gainsaid that our province is replete with treasures contained in ancient Hindi and Urdu books. Literature of no mean order lies buried in these books. The Hon'ble Minister of Education in these provinces, known as he is for his love of both Hindi and Urdu languages, will, I think, agree with me on this point. These provinces have been the cradle of Urdu and Hindi literature, and it will be a standing disgrace to allow books containing matter hardly to be found in books of any other language in India to be relegated to oblivion. The editing of old Urdu and Hindi books ought to be one of the most useful and benevolent objects that this academy ought to achieve.

The fourth object for which I ask this academy to be established is to compile books of reference such as encyclopædias, dictionaries and scientific glossaries. Now, Sir, the charge has more often than not been levelled against both Urdu and Hindi that these two languages are simply languages and not literatures, that they do not contain sufficient vocabulary for expressing of scientific terms. To some extent this charge may be well founded. I admit that. But the reason is obvious. As science develops new names for expressing new objects will appear, and as there has been no encouragement of Urdu and Hindi literatures these terms obviously cannot be found in those languages. If we have an academy for the encouragement of these languages their adaptability will respond to the expression of those scientific terms. Hindi is an old language, and Urdu has been adapted from other languages—Hindi, Sanskrit, Persian, Arabic, Turkish, etc. Now, Sir, Urdu originating from the time of the Moghul emperors tried to chalk out one common language for the whole of India like the Esperanto of Europe, for cementing all the communities under a common label. Unfortunately it has now fallen on bad days, with the result that its value as a unifying factor is not so much appreciated as it should be. I am very glad, Sir, that Hindi is being revived. Any language like Hindi cannot, of course, be allowed to die for it contains treasures, the achievements of India's hoary sons.

* The last object which I wish the academy to accomplish is to publish such works of the above categories as it may deem fit. This academy of mine, the creation of which I am advocating today if it attains the objects which I have set forth, will have achieved something which will be a step towards the realization of those ideals of a common national language which is the dream of responsible citizenship. As regards the organization of this academy my submission is that the control and management of the committee shall be vested in a general council which will consist of His Excellency the Governor as patron, the Hon'ble Minister of Education as president, and the membership to consist of the Director of Public Instruction of the United Provinces, a representative of the Hindi department, and a representative of the Urdu

[Khan Bahadur Hafiz Hidayat Husain.]

department from each of the four universities of our provinces, the Secretary of Board of High School and Intermediate examinations and sixty other persons to be nominated by His Excellency the Governor acting with the Minister of Education or elected by other educated bodies as may be determined later : the treasurer to be nominated by the Hon'ble Minister of Education. An Executive Committee will be formed, which will be charged with raising and administering the funds and the general affairs of the academy such as the allocation of money for the award of prizes, publication and sale of books. This Executive Committee shall consist of members who will be appointed by the president and the general body of the academy. This committee shall consist of, say, fifteen members, and will comprise one chairman and such members as may be nominated by the minister besides those elected by the general council. Then you may have an academic committee which will select subjects for original works, besides books for translation. It shall also appoint judges and committees of reference to adjudicate on books. After this there may be sub-committees to carry out the different objects of the academy.

The last point I wish to urge is this. This academy ought to award pensions to deserving literary persons of standing. It is well known, Sir, that there are old Urdu and Hindi scholars of real repute and merit, but alas! living a life of penury for want of support. If the Government will come to their rescue and patronize them by awarding suitable pensions to them, the stigma of indifference to indigenous learning will disappear to the abiding credit of the Government.

Then, Sir, other things come to mind as I begin to think, such as the starting of a printing press for printing these books, establishing shops and so forth. These are, however, matters of detail, but the main objects of my contemplated academy, I have detailed above, and may I appeal for their acceptance to the distinguished literature at the palm of affairs in this province and the Ministry of Education to accord my resolution the reception of which it is deserving.

Hon'ble Rai Rajeshwar Bali : A resolution very much similar to this was moved, I think, in the December session by my friend Pandit Yajna Narayan Upadhaya, and in dealing with that I made my own position clear in regard to this matter. The subject under discussion has been engaging my attention for some time. Though I cannot claim to be a scholar either of Hindi or Urdu, it will not be perhaps immodest of me to say that I have loved the literature of these two languages most passionately, and before I came to fill the present office, I devoted considerable time to reading it. It is, therefore, natural that I should like to do during the term of my office whatever service I can to the literature of these two languages. Honourable members are aware that on April 1, we presented in the supplementary estimates a demand for Rs. 25,000 for purposes very much akin to those which the honourable mover has in mind. I quite feel that Rs. 25,000 are inadequate for this great work, but we have to make a beginning. At a time when we are not quite sure how much money would be needed for this object and in what manner it is to be spent, it would, I think, be as well to make a beginning with that modest sum. Subsequently, as the means which we may adopt for the encouragement of these two languages develop, I am sure

that honourable members will vote for more money. We are still considering how best to give effect to the objects which we all have in view, and I can assure the honourable mover that the suggestions which he has made will receive our best consideration. We ourselves are anxious that something should be done, not only to preserve but to expand the literature of these two languages and furthermore to patronize the old authors and scholars. I hope we shall be able to present a working scheme very soon, the moment we get respite from the heavy work we have had to do during this cold weather, and I believe that before we meet next, the scheme will be in operation, to a certain extent at any rate.

Khan Bahadur Hafiz Hidayat Hussain: In view of the very satisfactory answer of the Hon'ble Minister, I beg to withdraw the resolution.

The resolution was, by leave of the Council, withdrawn.

The Council was then adjourned to the following day.

APPENDIX A.

(See page 568 *supra*.)*Statement referred to in starred question No. 14 of April 7, 1926.*

Places in the United Provinces where electricity is supplied.	Places in the United Provinces where electricity is proposed to be supplied.	Name of holder of licence or applicant for licence.
Agra ...	...	Agra Electric Supply Company.
Allahabad ...	...	United Provinces Electric Supply Company.
Cawnpore ...	...	Cawnpore Electric Supply Corporation Limited, London.
Lucknow ..	...	United Provinces Electric Supply Company.
Mussoorie ...	...	Municipal board.
Naini Tal ...	...	Ditto.
...	Muttra ...	Muttra Electric Supply Company.
...	Benares ...	Martin and Company, Calcutta.
...	Saharanpur ..	The General Electric Trading Company, Delhi.
...	Hardwar ...	Municipal board.
...	Aligarh ...	Messrs. Sheoraj and Company of Muttra and Martin and Company, Calcutta.

APPENDIX B.

(See page 565 *supra*)

Names of clerks permanently appointed in the office of the Director of Public Health, United Provinces, during the last six years.

- (1) Mr. A. C. Banerji.
- (2) Munshi Muhammad Raihanul Haq.
- (3) Babu Hanuman Prasad.
- (4) Pandit Shiva Nath Sahai.
- (5) Babu Brij Behari Lal.
- (6) Munshi Waris Ali.
- (7) Mr. J. Wilson.
- (8) Munshi Tahir-ud-din.
- (9) „ Badr-ud-din.
- (10) Babu Moti Lal.
- (11) Munshi Abdul Quddus.
- (12) „ Taqi Ahmad, B.A.
- (13) Babu Bishambhar Nath.
- (14) „ Jamna Prasad.
- (15) Munshi Zainul Abdin.

APPENDIX C.

. (See page 587 *supra*.)

(Statement referred to in answer to starred question No. 36 asked by
PANDIT NANAK CHAND SAHIB on April 7, 1926.)

CLOSING OF SHOPS, 1923-24 AND 1924-25.

(1) Proposed by licensing boards.

Kind of shop.	1923-24.		1924-25.	
	Proposed for closing.	Closed.	Proposed for closing.	Closed.
Foreign liquor ...	3	3	1	...
Country spirit ...	12	10	2	2
Tari	4	4	...	...
Opium	7	6	3	3
Hemp drugs ...	9	9	9	9

(2) Proposed by advisory committees.

Kind of shop:	1923-24.		1924-25.	
	Proposed for closing.	Closed.	Proposed for closing.	Closed.
Foreign liquor ...	...	...	1	1
Country spirit ...	93	80	96	86
Tari	2	2	94	94
Opium	11	10	25	18
Hemp drugs ...	40	31	48	43

APPENDIX D.

(See page 570 *supra*).

*Statement referred to in the answer to starred question No. 51 for
April 7, 1926.*

			<i>Head clerks.</i>		
		Grade	<i>I</i> Rs.	<i>II</i> Rs.	<i>III</i> Rs.
Forest department ...	1910 } ...	...	120	100	80
	1915 }	...			
	1919	...	150	125	100
	1925	...	160	135	110
			<i>1910</i> (<i>Alexander</i> <i>scheme.</i>)	<i>1915-19</i> (<i>Pike</i> <i>scheme.</i>)	<i>1920-25</i> (<i>Silberrad</i> <i>scheme.</i>)
Revenue assis-	80	90	125		
tants.	70	& 80	110		
Collectors' offices		60			
		50			
	Judicial assistants	80	80 & 70	110	
		70		100	
		60			
		50			

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Thursday, April 8, 1926.

THE Council met in the Council Chamber, Lucknow, at 11 a.m.
Hon'ble Rai Bahadur Lala Sita Ram in the Chair.

PRESENT:

(60)

Hon'ble Sir Samuel O'Donnell.
Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Hon'ble Rai Rajeshwar Bali.
Hon'ble Thakur Rajendra Singh.
Hon'ble Nawab Muhammad Yusuf.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. P. H. Tillard.
Mr. H. A. Lane.
Mr. R. L. Yorke.
Mr. R. Burn.
Mr. A. W. Pim.
Mr. B. J. K. Hallows.
Mr. O. M. King.
Mr. H. G. Billon.
Mr. J. R. S. Dodd.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Raja Muhammad E'jaz Rasul Khan.
Raja Bahadur Brij Narayan Rai.
Mr. H. David.
Babu Khem Chand.
2nd Lieut. Chaudhri Balwant Singh.
Rai Sahib Lala Jagdish Prasad.
Chaudhri Jaswant Singh.
Rai Sahib Chaudhri Sheoraj Singh.
Pandit Nanak Chand.

Rai Bahadur Babu Ram Nath Bhargava.
Raja Suryapal Singh.
Pandit Brijnandan Prasad Misra.
Raja Narayan Pratap Singh.
Raja Sri Krishna Dutt Dube.
Rai Sahib Babu Dip Narayan Roy.
Rai Bahadur Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.
Pandit Baijoath Misra.
Rai Bahadur Thakur Masbal Singh.
Kunwar Krishna Pratap Singh.
Mr. Muhammad Aslam Saifi.
Rao Sahib Abdul Hammed Khan.
Nawabzada Muhammad E'jaz Ali Khan.
Khan Bahadur Chaudhri Amir Hasan Khan.
Mr. Muhammad Ismail Ali Khan.
Dr. Zia-ud-din Ahmad.
Khan Bahadur Shaikh Masud-uz-Zaman.
Dr. Shafa'at Ahmad Khan.
Saiyid Muhammad Ashiq Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Bahadur Hakim Mahbub Ali Khan.
Khan Bahadur Mr. Ashiq Husain Mirza.
Khan Bahadur Munshi Siddiq Ahmad.
Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Mr. St. George H. S. Jackson.
Rai Bahadur Lala Mathura Prasad Mehrotra.
Raja Shambhu Dayal.
Lieut. Raja Shaikh Imtiaz Rasul Khan.

Dr. Ganesh Prasad.

QUESTIONS AND ANSWERS

STARRED QUESTIONS.

LICENCE TO CAWNPORE ELECTRIC SUPPLY CORPORATION.

* 1. **Rai Bahadur Babu Vikramajit Singh :** (1) Will the Government be pleased to state if the Cawnpore Electric Supply Corporation has received a licence from the Local Government?

(2) Will the Government be pleased to lay on the table a copy of the agreement between the Cawnpore Electric Supply Corporation and Government and copy of licence, if any, granted by the Government?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: (1) Yes.

(2) A copy of the three licences and the amendment to the municipal licence is placed on the honourable member's table†. No agreement was entered into by the Government.

CLERICAL STAFF IN THE EDUCATION DEPARTMENT.

* 2. **Pandit Brijnandan Prasad Misra:** On what principle are promotions given among the ministerial establishment in the Education department?

Hon'ble Rai Rajeshwar Bali: On seniority and merit.

Pandit Brijnandan Prasad Misra: On both or any of them?

Hon'ble Rai Rajeshwar Bali: On both.

* 3. **Pandit Brijnandan Prasad Misra:** Is there any graded list maintained in the Director of Public Instruction's office of the clerks and head clerks of the offices of the inspectors or inspectresses of schools or other Government education institutions for purposes of selecting to the vacancies occurring in the Director of Public Instruction's office?

Hon'ble Rai Rajeshwar Bali: The clerks referred to are not graded on a provincial scale, but the claims of clerks in subordinate offices are considered when appointments are made in the Director's office.

Pandit Brijnandan Prasad Misra: How are the claims of the ministerial establishment considered then, when no list is maintained in the office of the Director?

Hon'ble Rai Rajeshwar Bali: I think he knows which clerks are concerned.

Pandit Brijnandan Prasad Misra: How does he know that?

Hon'ble Rai Rajeshwar Bali: He gets information from inspectors.

Rai Bahadur Thakur Mashal Singh: Why is a graded list not kept?

Hon'ble Rai Rajeshwar Bali: I think it is not necessary.

Rai Bahadur Thakur Mashal Singh: Is it kept in any other office?

Hon'ble Rai Rajeshwar Bali: I have no information.

Rai Bahadur Thakur Mashal Singh: Is it kept in any of the offices under your charge?

Hon'ble Rai Rajeshwar Bali: I have no information.

* 4. **Pandit Brijnandan Prasad Misra:** Is there any rule for the head clerks of the divisional inspector's offices not being allowed to remain at one place after a certain fixed period?

If so, will the Government state the rule and lay on the table a statement showing the names of present incumbents with their periods of postings in the places?

Hon'ble Rai Rajeshwar Bali: (1) No.

(2) Does not arise.

Pandit Brijnandan Prasad Misra : Do transfers generally take place in the case of head clerks in these offices ?

Hon'ble Rai Rajeshwar Bali : I have already replied to that question.

Pandit Brijnandan Prasad Misra : Does the Hon'ble Minister's reply refer to transfers ?

Hon'ble Rai Rajeshwar Bali : I have said that there is no rule about transfers.

Pandit Brijnandan Prasad Misra : Have transfers ever taken place ?

Hon'ble Rai Rajeshwar Bali : I have no information.

CLERICAL STAFF OF THE DIRECTOR OF AGRICULTURE.

* 5. **Pandit Brijnandan Prasad Misra :** How many persons in the clerical establishment under the Director of Agriculture are Hindus and how many are Muhammadans and what pay does each of them get ?

Hon'ble Thakur Rajendra Singh : The information required is given in the statement laid on the table of the honourable member.

(See Appendix A, page 655.)

Pandit Brijnandan Prasad Misra : Do the numbers refer to the clerks in the office of the Director himself or also to those belonging to offices under him ?

Hon'ble Thakur Rajendra Singh : I want notice.

* 6 and 7. **Pandit Brijnandan Prasad Misra :** [*Withdrawn by the honourable member.*]

BALRAMPUR ESTATE.

* 8. **Pandit Brijnandan Prasad Misra :** Will the Government lay a statement on the table showing the number of the Hindus and Muslims respectively employed by the Balrampur Court of Wards, excluding those who had been reduced and re-employed ?

Hon'ble Sir Samuel O'Donnell : The head-quarters and mufassil establishments excluding menials include 336 Hindus and 139 Muslims.

Pandit Brijnandan Prasad Misra : Does this number 336 include the number of Hindu sipahis also ?

Hon'ble Sir Samuel O'Donnell : I must ask for notice.

* 9 **Pandit Brijnandan Prasad Misra :** How many polo horses have been purchased by the Balrampur Court of Wards ? At what cost and for whose benefit ?

Hon'ble Sir Samuel O'Donnell : The estate possesses 95 horses, of which two are known to have been used for polo. About ten of the animals, including these two, are used by either the Maharaja, the superintendent of stables or one of the Maharaja's attendants when he is riding. The two ponies which had previously been used for polo cost Rs. 2,000 each and are used by estate sowars and other officials of the estate for polo or hacking.

Pandit Brijnandan Prasad Misra : What is the age of the present Maharaja who plays polo, and for how long has he been playing polo ?

Hon'ble Sir Samuel O'Donnell : The Maharaja does not play polo.

Pandit Brijnandan Prasad Misra : For whose benefit then have the horses been purchased ?

Hon'ble Sir Samuel O'Donnell : They were purchased for the benefit of the estate, as is clear from the answer to question No. 9. The estate had no good horses, and two good horses were not considered excessive for an estate of that kind.

Raja Narayan Pratap Singh : Were these two polo horses purchased before the estate was taken under the Court of Wards or afterwards ?

Hon'ble Sir Samuel O'Donnell : Afterwards, I understand.

Raja Narayan Pratap Singh : For whose benefit ?

Hon'ble Sir Samuel O'Donnell : I have just explained in the reply to the question that they are for the benefit of the estate.

MUNICIPAL BOARD, BALRAMPUR.

* 10. **Pandit Brijnandan Prasad Misra :** When will the Government grant a non-official chairman to Balrampur municipal board ?

Hon'ble Nawab Muhammad Yusuf : This board elects its chairman ; the question therefore does not arise.

COURT OF WARDS, BALRAMPUR.

* 11. **Pandit Brijnandan Prasad Misra :** What action has the Government taken for improving the administration of Balrampur Court of Wards in the light of the last audit note ?

Hon'ble Sir Samuel O'Donnell : Audit notes on Court of Wards estates are not forwarded to Government unless any special matter calls for their notice. The latest audit note is still under the consideration of the Court of Wards.

* 12. **Pandit Brijnandan Prasad Misra :** Will the Government inform the Council of the number of financial irregularities of a serious nature and cases of embezzlement that came to light in Balrampur Court of Wards, stating the names of persons connected with them and the steps taken against each ?

Hon'ble Sir Samuel O'Donnell : A statement is laid on the table.

(See Appendix B, page 655.)

* 13 to 20. **Mr. Muhammad Aslam Saifi :** [*Withdrawn by the honourable member.*]

* 21. **Babu Jai Narain Chaudhri :** [*Cf. No. * 25 of March 26, 1926.*]

* 22. **Khan Bahadur Hafiz Hidayat Husain :** [*Cf. No. * 61 of March 26, 1926.*]

* 23 to 26. **Babu Bhagwati Sahai Bedar :** [*Cf. Nos. * 63 to 69 of March 26, 1926.*]

* 27 to 31. **Dr. Shafa'at Ahmad Khan :** [*Cf. Nos. * 67 to 71 of March 26, 1926.*]

Mr. Muhammad Aslam Saifi : When was the inquiry addressed to the officers concerned ?

Hon'ble Rai Rajeshwar Bali : A long time ago.

Mr. Muhammad Aslam Saifi : Has the Hon'ble Minister sent any reminder?

Hon'ble Rai Rajeshwar Bali : I cannot say at present. I ask for notice.

MUSLIM WAQFS AND THEIR ACCOUNTS.

* 32. **Dr. Shafa'at Ahmad Khan :** Is it a fact that a number of mutawallis has not yet filed an account in the district court? If so, is it the intention of Government to impress upon the district courts the absolute necessity of compiling as accurate and complete a list of waqf in their districts as possible?

Hon'ble Rai Rajeshwar Bali : The answer to the first part of the question is in the affirmative and to the second in the negative.

* 33. **Dr. Shafa'at Ahmad Khan :** [*Cf. No. 73 of March 26, 1926.*]

Hon'ble the President : Under the standing orders a reply to a particular question should be given within a fortnight. I find that this question was originally tabled for the 2nd of January and has come up again on two other dates. Today is the 8th of April. Will the Hon'ble Minister kindly give to the Council the reasons for the delay?

Hon'ble Nawab Muhammad Yusuf : Our information is not yet complete because all the nominations have not been made.

* 34. **Dr. Shafa'at Ahmad Khan :** [*Cf. No. 74* of March 26, 1926.*]

* 35 to 37. **Pandit Sri Krishna Dutt Paliwal :** [*Cf. Nos. 91* to 93* of March 26, 1926.*]

MUSLIM WAQFS IN AGRA.

* 38. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to give the annual income of various waqfs in the district of Agra and its total value?

Hon'ble Rai Rajeshwar Bali : A statement giving the information received is laid on the honourable member's table.

(*See Appendix C, page 657.*)

DEMOLITION OF A TEMPLE AT ALIGANJ, ETAH.

* 39. **Pandit Nanak Chand :** (i) Is it a fact that a partly built new temple at Aliganj in the Etah district was demolished in December, 1925 under the orders of the District Magistrate? If so, will the Government be pleased to make a detailed statement of the circumstances leading to the order of the District Magistrate and to lay a copy of the said order on the table?

(ii) Is it also a fact that Hindus protested against this order? If so, with what result?

Hon'ble Sir Samuel O'Donnell : (i) and (ii) A copy of the District Magistrate's report is laid on the table.

(*See Appendix D, page 664.*)

MEDICAL SCHOOL, AGRA.

* 40. **Pandit Bhagwat Narayan Bhargava :** Is the Government aware of the demands of the United Provinces Branch of the All-India Medical Licentiate's Association for raising the course of Agra Medical School from four to five years?

Hon'ble Rai Rajeshwar Bali : Yes.

* 41. **Pandit Bhagwat Narayan Bhargava** : Is it a fact that the United Provinces Medical Council has approved of it in its resolutions, dated November 24, 1925 ?

Hon'ble Rai Rajeshwar Bali : Yes.

* 42. **Pandit Bhagwat Narayan Bhargava** : Is it a fact that the Inspector-General of Civil Hospitals created a new constitution of a State Medical Faculty for the United Provinces ?

Hon'ble Rai Rajeshwar Bali : No. The State Board of Medical Examinations has recommended the creation of a State Medical Faculty.

* 43. **Pandit Bhagwat Narayan Bhargava** : Was the United Provinces Medical Council consulted on that point ? If not, why not ?

Hon'ble Rai Rajeshwar Bali : No. It was not necessary to consult the Medical Council, as in 1920 it had unanimously recommended the institution of a State Medical Faculty. Moreover, the scheme was published for general information in November, 1921, and the Medical Council had full opportunity to express its opinion.

* 44. **Pandit Bhagwat Narayan Bhargava** : Will the Government be pleased to state the principles on which and the objects with which this faculty was created ?

Hon'ble Rai Rajeshwar Bali : The faculty has not yet been created.

* 45. **Pandit Bhagwat Narayan Bhargava** : Is the Government aware that the United Provinces Medical Council has protested against this action of the Inspector-General of Civil Hospitals ?

Hon'ble Rai Rajeshwar Bali : No. The Medical Council has passed a resolution noting with regret that they had not been consulted by Government.

* 46. **Pandit Bhagwat Narayan Bhargava** : Is it the intention of the Government that the curriculum of the Medical School, Agra, must be recognized by the General Medical Council of Great Britain before the five years scheme can be sanctioned ? If so, why ?

* 47. Will the Government be pleased to state what action has the Government taken or does it propose to take regarding this matter ? If none, why not ?

Hon'ble Rai Rajeshwar Bali : The honourable member appears to be under a misapprehension. The delay in instituting a five years' course for the Medical School, Agra, is due solely to the Government's inability to find the necessary funds, and has nothing to do with the attitude which the General Medical Council of Great Britain adopts or may adopt towards the curriculum of the Agra Medical School.

OFFICIAL INTERFERENCE IN ELECTIONS TO LOCAL BOARDS.

* 48. **Pandit Govind Ballabh Pant** : Has the Government appointed any officer to make an inquiry into the allegations of official interference in elections to local boards in certain places ?

Hon'ble Nawab Muhammad Yusuf : Yes in the case of three districts about which specific allegations were made.

* 49 to 51. **Mr. H. David** : [*Cf. Nos. * 80 to * 82 of March 27, 1926.*]

ACHARYA, SHASTRI AND PRATHAMA EXAMINATION.

*52. **Pandit Nanak Chand**: (a) Is the Government aware that the students appearing at the Acharya and Shastri examinations generally belong to poor families?

(b) Is it a fact that all candidates from all over the provinces have to assemble at Benares for these examinations?

(c) Do Government intend to consider the desirability of increasing the number of examination centres as in the case of Prathama examination?

Hon'ble Rai Rajeshwar Bali: (a) Government have received no complaint that they are too poor to visit Benares for these examinations.

(b) Yes.

(c) No.

REGISTRATION OFFICES OF BULANDSHAHR.

*53. **Pandit Nanak Chand**: (a) Is it a fact that Anupshahr, Khurja and Bulandshahr registration offices in Bulandshahr district are under the district registrar at Aligarh and tahsil Sikandrabad of Bulandshahr is under Meerut registration district and the registration records, except for the last twelve years, for the said tahsils, are at Aligarh and Meerut respectively?

(b) Is it a fact that the registration record-room at Aligarh is reported to be congested?

(c) Do Government intend, and, if so, when, to remove the old records for the said four tahsils from Aligarh and Meerut respectively to Bulandshahr registration office in the new judgeship and to create Bulandshahr registration district to meet the convenience of the public of Bulandshahr?

Hon'ble Nawab Muhammad Yusuf: Inquiry is being made; information is not yet available.

MATERNITY WELFARE LEAGUE FOR INDIA.

*54. **Khan Bahadur Hafiz Hidayat Husain**: What active steps have the Government so far taken to promote the cause of the Maternity Welfare League for India established by Her Excellency Lady Reading?

Has the Government set apart any funds for it from the provincial revenues or has it encouraged municipal and district boards to render what help they can to the cause?

Hon'ble Rai Rajeshwar Bali: The reference is presumably to the Lady Chelmsford League for Maternity and Child Welfare. The Government were instrumental in the establishment of a provincial branch of the League.

The Government give an annual grant to the provincial branch. They have not addressed local bodies on behalf of the League.

NOMINATIONS TO DISTRICT AND MUNICIPAL BOARDS.

*55. **Shaiikh Abdus Samad Ansari**: Will the Government be pleased to lay on the table a statement showing the names and castes of the

members nominated by the Government to the present district and the municipal boards of the United Provinces of Agra and Oudh and the classes (depressed or otherwise) to which these nominees belong?

Hon'ble Nawab Muhammad Yusuf: The names of nominated members as well as their castes as far as is known are given in the statement laid on the honourable member's table.

(See Appendix D, page 664, Volume XXIX, No. 4.)

*56. **Shaikh Abdus Samad Ansari:** What castes are considered to belong to the category of depressed classes?

Hon'ble Nawab Muhammad Yusuf: No list has been prepared of castes which should be considered as depressed.

LANDED PROPERTY OF MIAN SYED JAWAD ALI SHAH OF GORAKHPUR.

*57. **Khan Bahadur Shaikh Masud-uz-Zaman:** (a) What is the estimated annual income of the landed property owned by Mian Syed Jawad Ali Shah (minor) of Gorakhpur? How is the said property administered?

(b) For how many years has Maulvi Muhammad Sadiq been acting as special manager of the said estate? What are his qualifications for the post of special manager? What responsible appointment did he hold before he was appointed to his present post? In what ways is the special manager responsible to the district judge for the administration of the said property?

(c) When will the minor Syed Jawad Ali Shah come legally of age?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: (a) The estimated annual gross income of the landed property is about Rs. 1,05,000. The estate is administered by a guardian appointed under the Guardian and Wards Act, VIII of 1890.

(b) Maulvi Muhammad Sadiq has been guardian and manager for about five years. He was formerly superintendent of the collectorate office, Gorakhpur, and afterwards was secretary of the municipal board, Gorakhpur, for about ten years. The guardian submits a budget every year to the district judge and also monthly and annual accounts; special matters in connexion with the administration of the estate are submitted to the judge for his approval.

(c) The minor Syed Jawad Ali Shah will attain his majority on January 13, 1928.

SALARIES OF DISTRICT BOARD TEACHERS, SHAHJAHANPUR.

*58. **Thakur Sadho Singh:** (a) How many times during the last eighteen months have the salaries of district board teachers in Shahjahanpur been paid after two or three or four months? What other employees of the district board suffer a similar fate? What are the reasons?

(b) How much of the educational grant was appropriated for buildings or any other purpose during the last two years?

(c) Is it a fact that the office establishment and other staff drew their pay regularly all this period? If so, why was such preference shown to them?

(d) Did any teachers complain against such hardship? What punishment was inflicted or threatened to be inflicted upon them, and for what fault?

(e) Who was responsible for such delays in disbursement of salaries? What action was taken against him?

(f) Is it a fact that similar delay is constantly occurring even now?

Hon'ble Nawab Muhammad Yusuf: (a) Twice. There was no delay in disbursing the pay of other employees of the board. The reason for the delay in paying the salaries of the teachers was that the board had no funds from which to make payment.

(b) Rupees 19,999 representing savings in the education fund were spent on the construction of buildings. No money was spent out of this fund on other than educational objects.

(c) Yes. The board paid so much of its staff as it could find the money to pay. The monthly pay of teachers amount to a total far greater than the total of the pay of the rest of the staff. The board had enough money to pay the one, but not the other. There was no other reason for the preference shown.

(d) Yes. No punishment was inflicted upon the teachers, nor was any threatened.

(e) The board itself was responsible. No action has been taken against the board.

(f) It is reported that there has been no delay since January, 1926.

UNSTARRED QUESTIONS.

1. **Rai Sahib Babu Dip Narayan Roy:** [*Postponed till the first day of the next session of the Council.*]

BUILDING OF THE CITY HIGH SCHOOL, GHAZIPUR.

2. **Rai Sahib Babu Dip Narayan Roy:** Is it a fact that the buildings of the City High School, Ghazipur, belong to the German Mission Trust, Ranchi, and that the Government grants a large sum of money every year for the repairs and upkeep of the buildings?

Kunwar Jagdish Prasad: The buildings of the City High School, Ghazipur, formerly the property of a German Mission, are held in trust by a Board of Trustees appointed by the Government of India. The school has received grants for construction and repair of buildings; these grants, however, are not of the nature of annual grants.

COMMUNAL REPRESENTATION IN THE POLICE SERVICE.

3. **Pandit Nanak Chand:** Will the Government be pleased to lay a statement on the table showing the number of Hindus, Muslims and Christians employed in the Police department including, Railway Police and Criminal Investigation department.

(a) Sub-inspectors.

(b) Circle inspectors

(c) Station officers in charge of city kotwalis.

(d) Station officers of I class police stations.

- (e) Station officers of police stations (other than I class).
- (f) Prosecuting inspectors.
- (g) Prosecuting sub-inspectors.
- (h) Clerk constables.

Mr. G. B. Lambert : The figures are as follows :—

			Hindus.	Muslims.	Christians.
(a) Sub-inspectors	..	..	997	693	7
(b) Circle inspectors	..	..	88	59	1
(c) Station officers in charge of city kotwalis	..	..	19	22	1
(d) Station officers of I class police stations	..	..	138	128	2
(e) Station officers of police stations (other than I class)	..	..	275	264	3
(f) Prosecuting inspectors	..	..	44	15	1
(g) Prosecuting sub-inspectors	..	..	78	24	..
(h) Clerk constables	..	..	323	1,120	1

4. **Pandit Nanak Chand :** (a) Will the Government be pleased to give the total number of assistant superintendents and deputy superintendents of police, with the number of Hindus, Muslims and Indian Christians in each class ?

(b) Will the Government be pleased to give the personnel of the selection committees appointed by Government for the selection of candidates for assistant and deputy superintendents of police respectively in the years 1925 and 1926 ?

Mr. G. B. Lambert : (a) There are 44 assistant superintendents of police. One is an Indian Christian, six are Hindus and two Muslims.

There are 40 deputy superintendents of police. Fourteen are Hindus and 20 Muslims. There are no Indian Christians.

There are also 16 temporary deputy superintendents. One is an Indian Christian, 6 are Hindus and 6 Muslims.

(b) The committee appointed by Government for the selection of candidates for admission to the Indian (Imperial) Police examination in 1925 was—

President :

Maharaja Sir Muhammad Ali Muhammad Khan, Khan Bahadur, K.C.S.I., K.C.I.E., then the Hon'ble Home Member of His Excellency the Governor's Executive Council.

Members :

A. D. Ashdown, Esq., C.I.E., I.P.S., Inspector-General of Police, United Provinces.

N. C. Stiffe, Esq., O.B.E., I.C.S., Commissioner, Kumaun division.

K. P. Kichlu, Esq., I.E.S., then the Officiating Director of Public Instruction, United Provinces.

(The Hon'ble) Nawab Muhammad Yusuf, Bar. at-Law.

Raja Muhammad E'jaz Rasul Khan, C.S.I., of Jehangirabad.

The personnel of the selection committee for 1926 has not yet been decided.

The committee appointed by Government for the selection of deputy superintendents of police in 1925 was—

President:

Maharaja Sir Muhammad Ali Muhammad Khan, Khan Bahadur, K.C.S.I., K.C.I.E., then the Hon'ble Home Member of His Excellency the Governor's Executive Council.

Members:

G. B. Lambert, Esq., C.S.I., I.C.S., Chief Secretary to Government, United Provinces.

R. J. S. Dodd, Esq., I.P.S., Inspector-General of Police, United Provinces.

W. S. Cassels, Esq., O.B.E., I.C.S., Commissioner, Lucknow division.

Raja Jagannath Bakhsh Singh, M.L.C.

Khan Bahadur Maulvi Fasih-ud-din, M.L.C.

The personnel of the committee for 1926 has not yet been decided.

COMMUNAL REPRESENTATION IN KOIL MUNICIPALITY, ALIGARH.

5. **Pandit Nanak Chand:** (i) What is the Hindu and Muslim population respectively of Koil municipality, district Aligarh?

(ii) What is the relative strength of members of either community on the municipal board inclusive of nominated members?

Mr. G. B. Lambert:

(i) Hindus	...	...	...	...	39,401
Muslims	...	...	...	...	26,610
(ii) Non-Muslims	...	...	...	...	9
Muslims	...	...	...	...	7

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

Hon'ble the President: I have to read the following message from His Excellency the Governor:—

"The Governor desires to congratulate the members of the Legislative Council upon the termination of the labours of the present session, and to thank them warmly for the public work which they have performed, and in particular for having provided the funds for carrying on the administration of the province during the current financial year. It is his intention to summon the next meeting of the Council in Naini Tal. He declares that the Council is prorogued with effect from the termination of this day's session until such date as shall in due course be announced."

THE ALLAHABAD UNIVERSITY AMENDMENT BILL.

Pandit Nanak Chand: I do not propose to move the Bill for the present, and I wish to withdraw it.

Bill dropped.

RESOLUTION *re* REMOVAL OF THE BAGHPAT MUNSIFI.

Rai Sahib Chaudhri Sheoraj Singh (on behalf of **Lieut. Nawab Jamshed Ali Khan**): I move—

That this Council recommends to the Government to be pleased to shift the Baghpat munsif from Ghaziabad to Baghpat.

[Rai Sahib Chaudhri Sheoraj Singh.]

The honourable member representing Meerut Muhammadan constituency has authorized me to move this resolution on his behalf. It is quite possible that I may not be able to put the grievances of the Baghpat public in a form which it requires.

Sir, this resolution makes a very simple and reasonable demand. The munsif of Baghpat sits in Ghaziabad which is not in his jurisdiction. The litigant public of Baghpat munsifi has to travel a long distance before they can reach Ghaziabad. They have to go to Baghpat in connexion with their work at the tahsil and to Ghaziabad in connexion with their civil work and to Meerut in connexion with their revenue work. This arrangement, Sir, is not at all convenient to the public of the Baghpat tahsil. The only reply which the Government can give is that they have got a building at Ghaziabad while there is no such building at Baghpat. But I submit that this question should not weigh with the Government in considering the convenience and facilities of the litigant public. The Government realizes from the public a large amount in court fees, and it does not matter much if they have to spend a few thousands on buildings for the comfort and convenience of the public. This is a long-standing grievance of the litigant public of the Baghpat munsifi. The honourable member representing Meerut asked several questions in this House and he moved a token cut during the budget discussion, but the answer of the Government was not at all satisfactory. Baghpat is one of the biggest tahsils in the Meerut district. It would not have looked so absurd if this munsifi had been at Meerut, the headquarters of the district. I hope the Government will see its way to shift the munsifi from Ghaziabad to Baghpat.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: At the very outset I would like to draw the attention of the honourable members to resolution No. 4 on the agenda paper. That resolution recommends that Government should frame such rules that no permanent munsifi's or subordinate judge's court, where there be sufficient work for it, shall be transferred from one locality to another.

The resolution before the House recommends that a certain court be transferred from one place to another. I respectfully submit that those who are favourably inclined towards resolution No. 4 should bear in mind that resolution while we are discussing this.

Taking the merits of the case, I beg to submit that the reasons which force us not to accept this resolution are these. First of all, as honourable members are aware, we have recently built a commodious building for the munsifi's court at Ghaziabad, and when the construction of the building was taken in hand, I believe the fact that the munsifi of Baghpat also stays there was also taken into consideration. If this point was to be pressed, it ought to have been pressed before. Now, after spending so much money on the building of the court at Ghaziabad, it will be a sheer waste of money if we transfer the court from Ghaziabad to Baghpat at this stage.

The second reason for not accepting the resolution is that the courts should be opened at such places where they may be in the interests of the litigants and for the convenience of the public. In Baghpat, I know from personal experience, that expert legal advice would not be available, while at Ghaziabad there are many good lawyers. The other

point is that Ghaziabad is the centre of a railway net-work. Trains come there perhaps from five or six directions, while at Baghpat there is only one railway station of Sahdara-Saharapur Light Railway, and that also three or four miles away from the town.

The other point which I wish to bring to the notice of the House is that unfortunately Baghpat is reputed to be an unhealthy place. I say this, although I have got for personal reasons a love for Baghpat, which is my second home in the province. If you go to Baghpat you will find that in the town, houses are in a dilapidated condition and in ruins. The population is also decreasing. Will it be in the interests of the public to transfer the munsifi from the flourishing town of Ghaziabad to that of Baghpat? These are the reasons why we are not able to accept this resolution. Besides, the question of transfer of courts from one place to another is always dealt with in consultation with the High Court or the Chief Court, because it is they who can understand much better the needs of the litigants. If the honourable mover of the resolution is very keen on having the munsifi's court shifted from Ghaziabad to Baghpat, I think it will be much better for him first of all to convince the High Court that it is necessary that such a step should be taken. I am sorry I am not in a position to accept the resolution.

Rai Bahadur Thakur Hanuman Singh : I had no intention to speak on this resolution, but I have been constrained to say a few words about it on hearing the reply of the Hon'ble the Home Member. In the beginning of his speech he referred to resolution No. 4 on today's agenda which stands in my name. He has taken refuge behind that resolution. From the resolution which has been moved by my honourable friend Rai Sahib Chaudhri Sheoraj Singh it appears that the people are desirous of having civil courts near their homes. Hon'ble the Home Member has said that Ghaziabad has got a much better climate than Baghpat. If in the posting of officers or in the establishment of courts climate is considered to be the chief factor, then I would say that the Government shall have to abolish a good many tahsili head-quarters and shift those head-quarters to some other places, because there are many tahsili head-quarters and munsifi's head-quarters which are not at all healthy. It is the convenience of the people which should be given the first consideration and not the healthiness of the place or other considerations. Then he has said that the population of Baghpat is decreasing. This is a very cogent reason that the munsifi's court from Ghaziabad should be transferred to Baghpat, so that Baghpat town may again begin to improve and attract people. Well, a building has been constructed for the munsifi's court at Ghaziabad. But considering the people's inconvenience and trouble, the amount of a few thousand rupees should not stand in the way of the transfer of the munsifi's court from Ghaziabad to Baghpat.

Mr. Muhammad Aslam Saifi : I rise to give my full support to the resolution moved by my friend Rai Sahib Chaudhri Sheoraj Singh. I, of course, have nothing to do directly with either Baghpat or Ghaziabad, and therefore I have no bias or prejudice either for or against this question. I therefore say that my opinion in this matter must be entirely independent of any local considerations. Hon'ble the Home Member in the preface to his speech anticipated the opinion of the House with regard to resolution No. 4. He has warned the members to bear in mind that resolution when voting on this, but I suppose honourable

[Mr. Muhammad Aslam Saifi.]

members will vote only after taking into consideration the merits of the question that is before them. In opposing this resolution, which is, as remarked by the honourable mover, a very simple one, the Hon'ble the Home Member has advanced three strong reasons. The first reason is that the Government has built a commodious building recently at Ghaziabad to locate the munsifi there. Well, that cannot be considered a very sound reason, because when Government undertook to construct that building they should have also taken into consideration the question of locating the munsifi at Baghpat. I do not know what grounds were before the Government which made them insist on locating the munsifi at Ghaziabad. Then, Ghaziabad is supposed to be served by a number of railway lines, but, Sir, I may be allowed to point out that there is only one railway line from Baghpat to Ghaziabad. Much inconvenience is caused to the people who have to go perforce from Baghpat to Ghaziabad to secure justice. It takes them at least three days for an ordinary suit. It takes them one day to reach Ghaziabad where they reach in the evening; they have to stay there next day and the whole of the following day is taken by their return journey. If that means the convenience and interest of the Baghpat public, then I think a little more convenience should be provided for them, and the munsifi instead of being located at Ghaziabad should be transferred to Sardhana to reach which place it will take them six days and the climate of that place will be still more salubrious.

Then, Sir, the Hon'ble the Home Member was pleased to remark that Baghpat is his second home, because it has the honour of being his birth-place, but that it is an unhealthy place. The honourable members of this House have seen the health of the representative of Baghpat, and if that is the sample of unhealthiness, I suppose the House will like to prefer such an unhealthy place to Ghaziabad, which is notorious for its plague and other infectious diseases.

At this stage Mr. St. George Jackson took the Chair.

I quite admit that the population of Baghpat is now decreasing, but I believe the chief reason for that is known to the Hon'ble the Home Member. The adjacent town of Baraut is a very big *mandi*, and Baghpat being in its vicinity, most of the people have gone over to Baraut in connexion with business. Its population is not decreasing because of the unhealthiness of the town, and if that is a very good reason for not allowing the munsifi at Baghpat, then I suppose this would apply to the location of the tahsil also, and I do not see any reason why the tahsildar and his amla should be located in an unhealthy quarter. I do not think the Hon'ble the Finance Member, who is not here, is desirous of shifting the tahsil from Baghpat to Ghaziabad on that score. I think that the object of locating these courts at particular places is that the people who have got business in those courts should not suffer any inconvenience, and yet it is exactly that inconvenience that is provided by permanently establishing the court at Ghaziabad. I therefore would urge upon the Hon'ble the Home Member in his own words to take into consideration the primary factor of the interest and convenience of the Baghpat people. He may, if it is necessary, consult the High Court, and I am sure that the Hon'ble Judges, who are concerned with and have a voice in the

matter, will be more influenced by this most important factor and will agree to the shifting of the court back from Ghaziabad to Baghpat.

With these words I very strongly support the resolution.

Rao Sahib Abdul Hameed Khan :

جناب صدر —

میں نہایت اختصار کے ساتھ اس ریزولوشن کے متعلق جو اس وقت جناب نواب صاحب کی غیر حاضری میں میرے معزز دوست راء صاحب چونہری شیوراج سنگھ صاحب نے پیش کیا ہے کچھ عرض کرنا چاہتا ہوں۔ باغپت کی منصفی کا غازی آباد میں ہونا اس کونسل کے ذریعہ سے گورنمنٹ کی نوٹس میں اس سے پہلے کئی مرتبہ لایا جا چکا ہے جیسا کہ معزز صاحب نے فرمایا ہے سوال کی صورت میں بھی اور پہلے بجٹ کے موقع پر توکن کٹ کے ذریعہ سے بھی۔ لیکن اس تفصیل کے ساتھ ہمارے معزز ہوم میمبر صاحب نے اس کے متعلق اپنی رائے کا اظہار اس سے پہلے نہیں فرمایا تھا۔ آج کی تقریر میں جناب آنریبل ہوم میمبر صاحب نے کسی قدر تفصیل کے ساتھ ان وجوہات و مواععات کا ذکر کیا جو منصفی کی عدالت کو غازی آباد سے باغپت میں لے جایا جانے کے خلاف ہیں *

سب سے پہلی بات بادل لیل جو آنریبل جناب ہوم میمبر صاحب نے اپنی تقریر میں فرمائی ہے وہ عمارت کا سوال ہی اور انہوں نے فرمایا ہے کہ وہاں ابھی حال میں ایک عمارت منصفی کے لیئے بنائی گئی ہے اور وہ یہہ خیال رکھتے ہوئے بنائی گئی ہے کہ اس میں باغپت تحصیل کے مقدمات بھی وہاں طے ہونگے اور اگر وہاں منصفی نہ رکھی جائے تو جو رویہ اس پر صرف ہوا ہے وہ ضایع ہوگا آپ نے یہہ بھی ارشاد فرمایا ہے کہ یہہ موقع صحیح موقع نہیں ہے ایسی شکایت کا گورنمنٹ کے سامنے پیش کیئے جانے کا بلکہ صحیح موقع وہ تھا جب عمارت کا بنایا جانا تجویز ہوا تھا *

جناب صدر! — میں اس کے متعلق یہہ عرض کروں گا کہ غازی آباد اور باغپت دونوں سے وقتیت رکھنے والے صاحبان میپہی ٹائید کریں گے کہ باغپت منصفی کا غازی آباد میں ہونا اس قدر بے تکا اور بے جوڑ کام ہے کہ جس کے لیئے پبلک ریپریزنٹیشن (public representation) یا کسی خاص شکایت کی ضرورت وہ بھی بلکہ یہہ حکام متعلقہ کا فرض تھا کہ وہ دیکھتے کہ کوئی سلسلہ یا کوئی تعلق باغپت اور غازی آباد کے درمیان وہم اور گمان میں بھی ممکن ہے یا نہیں *

دوسری بات جو جناب ہوم میمبر صاحب نے فرمائی ہے وہ قانونی امداد کے متعلق ہے یہہ بات کوئی خاص اہمیت نہیں رکھتی کیونکہ جہاں کہیں بھی گورنمنٹ کے جائب سے منصفی کی عمارت و عدالت قائم کردی جائیگی وہاں قانونی امداد میسر آسکیگی اس سے پہلے باغپت میں تحصیل موجود ہے اور اس سلسلہ سے وہاں یقیناً دگلاہ بھی موجود ہیں اور منصفی کے ذریعہ سے وہاں آؤر بھی دگلاہ پہنچ جائیگا اور اس طرح قانونی امداد میسر آجانا بہت آسان امر

[Rai Sahib Abdul Hameed Khan.]

ہی اور اُس کو کوئی خاص اہمیت دینا میرے خیال میں خلاف انصاف ہی - اُس کے بعد غازی آباد کے متعلق جناب ہوم میمبر صاحب نے فرمایا ہی کہ وہ ایک بڑا جنکشن ہی اور مین لائن ریلوے (main line) پر واقع ہی اُس لیئے وہ ایک سنٹرل مقام (central place) ہی - بہت ممکن ہی کہ اگر صوبے کا نقشہ سامنے رکھ کر یا ملک کا نقشہ سامنے رکھ کر یا ایشیا کے نقشہ کو سامنے رکھ کر دیکھا جائے تو غازی آباد ایک سنٹرل مقام (central place) معلوم ہو لیکن جس بد قسمت علاقہ کے متعلق درخواست پیش کی جا رہی ہی اُس کے لیئے غازی آباد کو مرکزی مقام ہونے کا کوئی تعلق نہیں ہی - باغپت کا علاقہ کسی طرح سے غازی آباد میں ریلوے لائن ہونے سے مستفید نہیں ہو سکتا اور غازی آباد میں ریلوے ہونا باغپت کے لوگوں کے لیئے ایسا ہی ہی جیسے ٹونڈلہ یا کانپور یا دیگر مقامات میں ریلوے لائن (main line) موجود ہیں بلکہ کئی کئی لائن ملتی ہیں - بہر حال باغپت کو کوئی خاص فائدہ غازی آباد ریلوے لائن ہونے سے نہیں بتایا جاسکتا باغپت والوں کو اُس وقت میرے ہونے کے بعد غازی آباد آنا پڑتا ہی اور یہ بات آنریبل ہوم میمبر صاحب کو بخوبی معلوم ہی کہ باغپت والوں کو غازی آباد آنے میں کتنی سخت ہوتی ہی - میں سمجھتا ہوں کہ غازی آباد میں ریل کا ہونا یا نہ ہونا باغپت کے لوگوں کے لیئے موجب سہولیت نہیں ہی بلکہ غازی آباد میں منصفی کا ہونا باغپت کے لوگوں کے لیئے سراسر تکلیف دہ ہی اُس کے بعد صحت کے متعلق جو کچھ میرے دوست آنریبل مسٹر سیفی صاحب نے فرمایا ہی اُس میں میں کچھ بھی اضافہ نہیں کر سکتا صرف اتنا کہونگا صحت کے اندازہ اگر اُس کونسل کو منظور ہی تو وہ جناب ہوم میمبر صاحب کی صحت سے بھی نتیجہ نکالا جاسکتا ہی چونکہ آپ کی پیدائش باغپت کی ہی اور جو مقام کہ ایسے صحیح دماغ اور ایسے صحیح قول کے انسان پیدا کر سکتا ہی اُس کے لیئے یہ کہنا کہ وہ آن ہیلڈ پلیس (unhealthy place) ہی یہ سراسر ظالم ہی - اُس کے بعد جناب نے فرمایا تھا کہ اُس کی آبادی روز بروز گھٹتی جا رہی ہی اُس کے متعلق میں عرض کہونگا کہ ممکن ہی کہ وہاں وہ تمام سہولتیں میسر نہ ہونے سے جو ایسے بڑے حصہ میں ہونا چاہیئے اُس کی آبادی زوال پذیر ہو اور وہاں منصفی ہو جانے سے آبادی بڑھ لے اُس کے بعد جو جناب نے فرمایا ہی کہ ہم لوگ ہائی کورٹ کو ریپریزنٹ (represent) کریں اگر وہ ضرورت محسوس کرے باغپت میں منصفی ہونے کی تو ایسا ممکن ہوگا ہم لوگ اُس کونسل کے ذریعہ سے جناب ہوم میمبر صاحب کی خدمت میں درخواست کرتے ہیں کہ وہ خاص توجہ اسی معاملہ پر فرمائیں اور ایسی کارروائی کریں کہ باغپت کے لوگوں کے ساتھ انصاف کیا جائے - چونکہ جناب ہوم میمبر صاحب اُس علاقہ کے راستوں سے اور ریل کے سفر کی دشواریوں سے بخوبی واقف ہیں لہذا ہم لوگ بحیثیت ہونے ایک ہلکے کے نمائندہ کے جناب ہوم میمبر صاحب سے درخواست کرتے ہیں کہ وہ اپنے اُس علم کو جو اُس علاقہ کے متعلق جناب کو حاصل ہے کام میں لاتے ہوئے ہائی کورٹ سے اُس کی سفارش کریں *

Rai Bahadur Thakur Mashal Singh: So far as the question of the transfer of the munsif's court from Ghaziabad to Baghpat is

concerned, the arguments which have been advanced by the Hon'ble the Home Member are not convincing. He knows himself that the Government's case is quite weak. The only argument which he has advanced is that it is convenient for the litigant public of the Baghpat tahsil to go to Ghaziabad. But so far as the convenience of the public is concerned, those men who have seen the towns of Baghpat and Ghaziabad and who are conversant with the geographical position of both the places are quite sure that Ghaziabad cannot be called the centre of the Baghpat tahsil. It is a different tahsil. Ghaziabad is itself a tahsil. To locate the court of a munsif of a tahsil at the head-quarters of another tahsil is an absurdity.

The other argument which he has put forward is that recently a new house has been built for that munsifi. I say that it was foolish on the part of the Government to build the court of a munsif at the head-quarters of another munsifi. I think that mistake must now be rectified and that house must be sold to somebody and another house erected for the munsifi at Baghpat. For twelve miles from the town of Ghaziabad there is no village which is included in the jurisdiction of the tahsil of Baghpat, while Baghpat is the central place for all the villages round about it which belong to that tahsil. Is it conceivable that the people of that tahsil will feel it convenient to take such a long journey to Ghaziabad to get their cases decided there? The arguments which my honourable friend the Home Member has advanced are quite unconvincing and I should say absurd.

As to the question of the unhealthiness of the place, I think the Meerut district is not so unhealthy, nor can any of the tahsils of that district be called unhealthy. The head-quarters of the tahsil are there; the tahsildar resides there, as has been pointed out by my friend Mr. Saifi, and I think there has been no complaint as to the prevalence of any epidemic such as plague at that place. For all these reasons it is absolutely necessary that the hardship which the public of Baghpat tahsil have been feeling for the last several years must be remedied and they should get their court of munsif at the head-quarters of their own tahsil.

Rai Bahadur Lala Mathura Prasad Mehrotra : I rise to extend my hearty support to the resolution moved by my honourable friend Rai Sahib Chaudhri Sheoraj Singh. The arguments advanced by the Hon'ble the Home Member were half-hearted and unconvincing. What I was expecting was to hear the general policy about the transfer of such courts from a particular locality for which they are meant to central places. For example, it is not only the Baghpat munsifi, but the munsifs of other places, that have been transferred to the district head-quarters. I do not know for what reason this was done. They are meant and have been created for the convenience of particular places, but still, they are transferred to the district head-quarters. The munsifi of my poor town, Biswan, was established for the convenience of the Biswan public and had its jurisdiction over the whole of the tahsil, but after some years it was transferred to the district head-quarters of Sitapur. Sitapur, itself has many courts, and I do not know why the Biswan munsifi was also transferred there and of what use would it be to the city. So what I was expecting was to hear the general policy about the transfer of such

[Rai Bahadur Lala Mathura Prasad Mehrotra,]

courts to district head-quarters. When they are created for the convenience of a particular locality, they ought to be located there and every convenience should be given to the litigant public of that place. The arguments which the Hon'ble the Home Member has advanced in connexion with Baghpat tahsil have been fully answered, and I do not want to repeat them. I am expecting to hear the general policy from the Hon'ble the Home Member for all such cases.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I was really astonished to find my friend Rai Bahadur Thakur Hanuman Singh speaking in favour of this resolution after he had sent resolution No. 4, as I mentioned in my opening speech. Now about resolution No. 4, I would only say—

کلام معینش فی بطن شاعر

(It is a composition that the meaning has remained in the chest of the poet.)

He has sent up a resolution and now without hesitation he has supported this resolution which is quite contradictory to his own.

Pandit Brijnandan Prasad Misra : A point of order. Before the answer from the Government benches came, I think the honourable mover had not been called on. He cannot reply after the Government has spoken a second time.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I think the member in charge of the resolution can reply a second time. The other reason that was brought forward by my honourable friend from Ballia for changing the court from Ghaziabad to Baghpat was that, if the population of Baghpat was decreasing, then that was another reason that the court should be placed there. If this policy is to be followed I think logically it will come to this that all the courts should be transferred to such places which are in fact ruins of old cities where there is no population so that a new city may be founded there. The only one argument which has been brought forward before the House is that it is not convenient for the litigants to come to Ghaziabad while Baghpat will be a central place for the tahsil and it will be convenient for them to go there. But if the honourable members will look at the map of the Baghpat tahsil they will find that Baghpat itself is situated on the border of the tahsil and it is not at all a central place in the tahsil. My friend the honourable member for Hardoi very strongly condemned the Government for having constructed a building there, and he said that it was foolish on the part of the Government to have constructed that building at Ghaziabad. To this I will simply say that if it was an act of foolishness on the part of the Government, then what should I say about those who made themselves accomplices to that foolishness by not raising their voice before. The court has been there for some time. This question was never raised before. It was only during the budget session after that building had been completed that this question was raised. Therefore the Government took it for granted that, as the court had been there for years and nobody raised any objection to its location there, it was in accordance with the wishes of the public and

the Government constructed a building there. If that act of the Government was foolish, then I think those who did not raise their voice cannot say that they were not parties to that foolishness of the Government.

Mr. Muhammad Aslam Saifi : They have been fooled for once.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I do not think, Sir, that any case has been made out by the honourable mover or those who supported the resolution for the change. Still, I can only say that if the Council will carry this resolution we will consult the High Court in the matter and ask for their opinion.

Rai Bahadur Lala Mathura Prasad Mehrotra : What about the general policy of the Government ?

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : There is no general policy.

Rai Sahib Chaudhri Sheoraj Singh : Really I feel that I have put myself in a very uncomfortable position by moving this resolution. Because the Hon'ble the Home Member has directed his arguments in favour of Ghaziabad, which is my constituency, and as I am going to stand again from that constituency it was better for me to have accepted those arguments which he has put forward in favour of Ghaziabad, but as it is a matter of general principle and concerning the facilities and convenience of the public I take this risk and I do not care if a few members of the legal bar of Ghaziabad will be displeased by this attitude of mine. I am really grateful to the honourable members of this House who have given their unanimous support to this resolution. The Hon'ble the Home Member at the very outset warned the Council that they have got another resolution on the agenda which is quite contrary to this resolution. But the Hon'ble the Home Member should bear in mind that the same member who has given notice of that resolution has given his whole-hearted support to this resolution. In opposing my resolution the Hon'ble the Home Member has raised three points. The first one is that Ghaziabad is a railway station and the public will find it more convenient to go to Ghaziabad than to Bahgpat. I may inform him that Bahgpat itself is a railway station and the litigants of Bahgpat munsifi are nearer to Bahgpat than to Ghaziabad. I have just now been informed by the honourable member for Meerut North that there are villages in the jurisdiction of Bahgpat munsifi the residents of which have to travel more than fifty miles from Bahgpat to Ghaziabad, and they sometimes reach there in two days, and ordinarily three days are spent even in petty cases to come back from Ghaziabad. As I have already said, it would not have looked more absurd if this munsifi had been at Meerut, where people have to go in connexion with their revenue cases. But as Bahgpat itself is a tahsil the people have no connexion whatsoever with Ghaziabad. The munsifi ought to have been either at Meerut or at Bahgpat. There is absolutely no reason why the munsifi of Bahgpat tahsil should be in a different tahsil, which is far off from Bahgpat tahsil. The second point is about the building. Honourable members should know that the Government have not built the building at Ghaziabad for the munsifi of Bahgpat. They have built a building there for the Ghaziabad munsifi, and in that very building there is a room for the munsifi of Bahgpat. So, this objection of the honourable member, that they have erected a building at Ghaziabad for the munsifi of Bahgpat is absurd.

Dr. Ganesh Prasad : May I rise to a point of order? I wish to know from you if the word "absurd" is parliamentary.

The Chairman : I think it is. The honourable member can proceed.

Rai Sahib Chaudhri Sheoraj Singh : In Ghaziabad formerly there was the munsifi of Sikandrabad in the district of Bulandshahr; but since the erection of a building at Bulandshahr they have shifted that munsifi from Ghaziabad to Sikandrabad. So, it cannot be said that the building is meant only for the Baghpat munsifi. The building is meant for Ghaziabad munsifi, and if the munsifi of Baghpat is shifted to Baghpat it matters very little—there will be no financial loss to Government.

The third point is that Baghpat is an unhealthy place and that its population has decreased. If that is the only objection to shifting the munsifi to Bhagpat, I may tell him that there is no tahsil in Meerut district, the population of which has decreased more than the population of Ghaziabad tahsil. There has been plague there for the last several years continually. So this objection of his cannot hold any water at all. I think the Hon'ble the Home Member objected to this resolution of mine not on the ground of facts but because the Government, owing to some reasons of which this Council is unaware, is not going to shift the munsifi of Baghpat to Baghpat from Ghaziabad. As far as the case itself goes, I think we have met all the objections raised by the Hon'ble the Home Member. Therefore I see no reason why the munsifi of Baghpat should not be shifted from Ghaziabad to Baghpat. The only principle in determining the head-quarters of courts should be that they should be convenient to the litigant public, and in regard to this I think we have fully made out a case. I hope that though we are not in a majority today, this resolution will be carried in this honourable House.

The resolution was put and adopted.

RESOLUTION *re* ESTABLISHMENT OF POOR-HOUSES.

The Chairman : With regard to the next resolution there is an amendment standing in the name of Rai Bahadur Thakur Hanuman Singh. With regard to that, I think the amendment is outside the scope of the resolution. Subject to this, the resolution may now be moved.

Rai Sahib Chaudhri Sheoraj Singh : I beg to move—

"That this Council recommends to the Government to be pleased to issue instructions to the local bodies to institute poor-houses at convenient centres for the incapacitated poor and provide free education, technical or otherwise, for their children."

This is really a non-controversial resolution. This was moved once in this House by the Hon'ble the Home Member when he occupied the non-official benches in the year 1921. A similar resolution was also moved in the Punjab Legislative Council and adopted by that body. The establishment of poor-houses at various centres for the weak, crippled and aged beggars, with suitable arrangements for their children, is a great necessity and a crying need. The number of such beggars is increasing every day. In large towns and at district head-quarters they are so numerous that one cannot pass along the streets without coming across some of them every forty or fifty paces.

Khan Bahadur Mr. Ashiq Husain Mirza : On a point of order, Sir. There is no quorum.

The division bells were rung and a quorum was obtained.

The Chairman : There is a quorum now. The honourable member can proceed.

Rai Sahib Chaudhri Sheoraj Singh : The sight of these poor people is really sickening. Many of them die of starvation and want of medical aid. Their children are in a pitiable condition. Not only do they turn into loafers without any education and without any means of subsistence, but many of them become thieves or professional beggars. I therefore appeal to the Hon'ble Minister for Local Self-Government, in the name of human sympathy and on behalf of a starving and helpless class of people, and on behalf of people who spend their lives in poverty, sickness and misery, to strongly urge upon the municipal and district boards to take up the question in right earnest, and in order to enable them to carry out the object successfully, to place at their disposal sufficient funds by way of grants-in-aid. If the boards fail to take up the work, then I submit that it is the moral duty of the Government to start these poor-houses purely from its own funds, and make the district officials responsible for their supervision. I find that there are amendments to this resolution standing in the names of my honourable friends Rai Bahadur Thakur Hanuman Singh and Rai Bahadur Lala Mathura Prasad Mehrotra, and in regard to them I need only say that I have no objection to accepting them. With these few words I commend the resolution to the acceptance of the House.

Rai Bahadur Thakur Hanuman Singh : The first part of my amendment has been considered by the Chair as being outside the scope of the resolution, and so I shall proceed to move the rest of the amendment only, namely:—

“ For the word ‘their’ substitute the word ‘the,’ and at the end before the full-stop insert the words ‘and also be pleased to pay reasonable grant-in-aid.’ ”

At the outset I should like to give my whole-hearted support to the resolution which has been moved by my honourable friend Rai Sahib Chaudhri Sheoraj Singh. The need for poor-houses in the districts as well as at the head-quarters of the towns cannot be ignored any longer.

At this stage the Hon'ble the President resumed the Chair.

Everywhere honourable members will find hundreds of people who are incapable of supporting themselves as well as their children and families. There is no poor-house where they can get shelter. In every civilized country there are poor-houses to take care of the indigent persons of that country. I am not aware if any exist here, but if they do, their number is negligible. It is high time that the Government and the local bodies should take upon themselves the establishment of these houses. Humanitarianism should play a great part in carrying out this resolution on the part of the Government and the local bodies. They should consider very seriously the need for them. I can say that under the present financial difficulties the local bodies cannot spare enough money to establish poor-houses. It is, therefore, meet and proper that the Government should meet a portion of the cost of these poor-houses, which will be a great encouragement to the local bodies to take up the work in right earnest at a very early date. With these remarks I support the resolution as amended, and I hope it will be carried unanimously by this House.

Rai Bahadur Lala Mathura Prasad Mehrotra: I rise to support the resolution as amended by my friend Rai Bahadur Thakur Hanuman Singh. It is now hardly necessary for me to move my amendment after the one that has just been moved, and I therefore extend my support to the amended resolution. There can be no two opinions about the utility of this resolution. It has already been pointed out by the mover that the resolution is not a new one. It has been once moved in this honourable House and also unanimously accepted by the Punjab Legislative Council. The resolution without the last amendment would have been very easy for the Government to accept, because it required no financial help from them. It was only an advice to local bodies and the Government would have come forward gladly to advise them. We must look to the financial condition of the local bodies before we throw additional burden on their shoulders. Their financial condition is very precarious, and I will just read one or two sentences from the latest Government report in support of my argument. On page 3 of the report I find that "the financial condition of the boards was decidedly unsatisfactory. Total expenditure exceeded total income including Government grants by Rs. 713 lakhs. During the last four years boards have gradually been using up their balances and invested funds." Such is the condition of the district boards of our provinces. The municipal boards are not an exception to it, and they are also suffering from lack of funds. If we throw all the responsibility on them, the resolution, I am afraid, will remain a dead-letter. We want the local bodies to do a number of things. We want them to share in medical relief. We want that they should share in the introduction of free and compulsory primary education. We want them to improve sanitation and to help in rural reconstruction. If we throw this additional burden upon them, I think that it will not be justifiable for us. Therefore the amendment is very necessary.

On the other hand I was surprised to find that the Government has not contributed what it should for charitable purposes. On page 120 of the Detailed estimates I found that a sum of Rs. 45,700 was meant for donations for charitable purposes. In 1925-26 Government contributed a sum of Rs. 51,300. Then in the revised estimates they kept Rs. 50,500. But this year they have reduced the sum by Rs. 5,000. According to our customs—both Hindus and Muhammadans—we ought to set apart 10 per cent. of the total expected income for charitable purposes. The total expected of our provinces is Rs. 14,95,36,530, and therefore we ought to set apart a sum of Rs. 1,49,53,653. Leaving that aside, if we set apart even one per cent. of our total income for charitable purposes, the amount comes to about Rs. 15 lakhs. The Government have not provided enough for charitable purposes, and I think that it is their duty to provide more funds for the object to which this resolution has been moved. I therefore support the amended resolution.

Khan Bahadur Maulvi Fasih-ud-din: I am very sorry to say that, in agreeing with this resolution and the amendment, I cannot find a more emphatic phrase than "I give my whole-hearted support to this resolution." In fact this resolution is one of the most unique and one of the most excellent resolutions that has ever been tabled in this Council, for the simple reason that it concerns a class of people who are the scum of society, who are at a point below which humanity cannot go down and whose abode is the abode of the demon of affliction, poverty and

penury—the devil of hunger. These are the men who have to bear the insult and even the kicks of other men without any opportunity for retaliation and without even daring to raise their voice. These are the men who have no friends to help them in time of need, no doctor to treat them during their sickness, no relatives to feed them or to nourish them when they are convalescent. These are, I submit, the men whose life is difficult, but whose death is easy, who gain nothing by living and who lose nothing by dying.

I therefore think that this resolution is one of the most momentous resolutions that I have ever come across. The man who is born with a silver spoon in his mouth naturally cannot understand the conditions under which these people live. He cannot understand their sorrows and their sufferings, and, as the honourable mover of this resolution has just said, their number is increasing by leaps and bounds in India, and you find them almost after every twenty or thirty paces as you are walking the street. This is a sad commentary on the work of those of us who preach the equality of mankind. In fact when one deeply considers the condition of these people he begins to think that after all it is only the icy hand of Death that can level up man with man and that can level up the holder of the sceptre or the wearer of the crown with the man who sits in the dust and who has nothing to hope for as regards his next meal. It is for these reasons that I hold that no person, be he an official or a non-official, can oppose this resolution, without a pinch of conscience, for the simple reason that this resolution makes an appeal for the class of men who are a specimen of human degradation, human adversity and human misery. I am not an apologist for that ruffian, the professional and hereditary beggar, who can earn his livelihood by honest means, and I say to him as Shaikh Sa'li has said—

دست دراز از پئے یک حبه سیم
به که بدر ند بدانگ دو نیم

"The hand which is stretched out for the sake of a piece of silver, deserves to be cut off with a hatchet." But what about the crippled man? I think it is the bounden and moral duty not only of the local municipal and district boards, but of the Government itself, which is in possession of such a large amount of money, which realizes so much from the tax-payer, to come forward openly and ungrudgingly in order to ameliorate the condition of these people. For these reasons I think that the amendment is a very sound amendment which deserves the unstinted support of every one of us.

Dr. Shafa'at Ahmad Khan: A resolution of practically the same kind was moved in 1921 by the Hon'ble the Home Member and the Government said they had no objection at all to the principle, but that they could not compel the local bodies to establish poor-houses within their jurisdiction. After the speech of my friend Khan Bahadur Maulvi Fasih-ud-din, it seems to me superfluous to add anything, but there are one or two points which I should like to bring to the notice of the honourable members.

In the first place, I should like to differentiate the sturdy beggar from the infirm or sick beggars. As regards the sturdy beggar, I do not think that anybody in this House will have any sympathy with such a person. He is a professional beggar and he lives by begging. I am

[Dr. Shafa'at Ahmad Khan.]

of course excluding the religious mendicant from this class. They are a class apart and they do not come within the purview of this resolution. The sturdy beggar is not a religious mendicant, he is not suffering from any disease, and that class of beggar ought to be put down with the strongest possible energy.

Then, Sir, I come to the next point, that is the condition of the incapacitated poor. With regard to this, much has been said by Khan Bahadur Maulvi Fasih-ud-din. Their condition is truly deplorable. They certainly have fallen in some cases from the level of humanity. But they are after all our own flesh and blood; they are a part and parcel of our own nation, and it is the duty of this Council, which in a miniature represents the whole province, to make adequate provision for the maintenance of people of this kind.

The next point is, that a good deal has been done in other provinces on this matter. Take for instance, Bombay. I believe in Bombay they actually started an inquiry into the number of beggars in the streets of Bombay and a committee there drew up a comprehensive scheme. In Madras also, a very thorough inquiry was organized in order to find out the number of beggars, and then to adopt measures for the maintenance of such persons as are suffering from disease. The Madras Corporation, I believe, actually drew up certain regulations in order that the number of beggars might be reduced. So we have got precedents for this resolution. The other provinces have become conscious of the supreme duty of maintaining those persons who cannot maintain themselves.

The next point is the need of funds. As regards funds, I am quite certain that local boards cannot maintain poor-houses in large numbers unless and until the Government helps them with a liberal grant. According to the Municipalities Act, 1916, and the District Boards Act, the local boards cannot impose any poor rate for the maintenance of poor-houses. They can only get the money from their general fund. This seems to me a great drawback. In my opinion they will, in future, have to devise comprehensive measures for the maintenance of poor-houses. They cannot do so unless we empower them to levy a poor rate. I am not certain if they would actually do it when they are vested with this power. Every country imposes such an obligation on the local bodies, and there is no reason why the local bodies should not undertake this duty here. We know that the local bodies are bankrupt, and it is, therefore, essential that the Government should provide them with liberal grants for this purpose. Lastly, Sir, I need hardly stress the effect of the maintenance of such class of beggars in this country. It has a demoralizing effect upon persons who are inclined to carry on their pursuits industriously and peacefully. It demoralizes a number of persons because they also seem to be attracted by the glamour of doing nothing and carrying on a jolly, careless existence involving no work and no duties. I therefore support this resolution very strongly.

Rai Bahadur Thakur Mashal Singh: I think there can be no dissentient voice against this resolution. It has been said that when a similar resolution was moved by the Hon'ble the Home Member, when he was a non-official member of this Council, the Government said that it could not insist upon local boards to establish poor-houses. I think that

now it is the duty of the Government to insist on the establishment of such poor-houses, because it is an obligatory duty of local bodies to establish poor-houses and asylums for the old and decrepit. In section 91 of the District Boards Act it is laid down that "every board shall make reasonable provision within the district for the following matters." The matters in clause (c) are "the establishment, management, maintenance and visiting of hospitals, dispensaries, poor-houses, asylums, orphanages," etc. Thus the establishment of poor-houses is one of the objects and one of the obligatory duties of the boards. If any board does not carry out this obligatory duty, I think it is the duty of the Government to insist on that board to carry out that function. As to the advisability of these institutions, I think there can be no two opinions. The Government is always responsible to provide employment even for the sturdy people. Its responsibility to protect the poor is much greater. In England and other civilized countries the Government provides employment for those who are thrown out of employment. So long as the Government cannot provide employment for them they are paid some allowance. In this country the able-bodied beggars cannot be stopped from following their profession unless you provide some shelter for the really poor. You cannot make any law to prevent the former from begging without making arrangements for the latter. When you have established such institutions in every district in a sufficient number, then certainly you can introduce, pass and enforce any law for the prevention of street begging. For this reason I think it is absolutely necessary that we should insist on local boards to establish such institutions, and I think the Hon'ble Minister for Local Self-Government will have no hesitation in accepting this resolution on which the opinion of the whole House is unanimous.

Khan Bahadur Shaikh Masud-uz-Zaman: There can be hardly any doubt as to the soundness and utility of this resolution. Nobody, I think, without a serious pinch to his conscience can raise any objection to it. A similar resolution was moved in 1921 by the present Hon'ble Home Member in his capacity as a non-official member. In that resolution there was no provision for supplying finances to local boards. I therefore had stood up and pointed out the impracticability of the resolution as it stood, and the Government took advantage of it and said that such instructions to municipal or district boards would mean nothing unless necessary funds could be provided for the purpose, and that they could not undertake to do. As we all know, the financial condition of the boards, even if some of them are in a flourishing condition, is not so happy, and it cannot be so happy under the present circumstances, that any board, without great strain on its finances, will be able to establish poor-houses at one or two centres, because in the beginning the expenditure on poor-houses is likely to be very high. In the very beginning a very large number of people will have to be admitted to the poor-houses, and the establishment of these houses will naturally cost in the beginning much more than what it may at a later stage when street begging is stopped by an Act of the Legislature. As regards the street begging and the professional beggars, the great difficulty that always presents itself in offering or refusing alms is how to distinguish between really professional beggars and an honest and deserving man. It is very difficult to distinguish between the two from their faces. Therefore no action can be taken to prevent

[Khan Bahadur Shaikh Masud-uz-Zaman.]

street begging and professional begging without providing some means for deserving persons. For this, naturally financial help from the Government will be required, and I think that the amendment that has been moved to this resolution is a very happy one. It remedies the great defect in the original resolution. The resolution, as amended, becomes a very important resolution. I think it is the most important resolution that has ever been brought during the life of this Council. With these words I strongly support the resolution as amended.

Rao Sahib Abdul Hameed Khan:

جناب صدر —

اِس ریزولیوشن کے متعلق جیسا کہ پہلی تقریروں سے ظاہر ہی اُنہی تک اِس کونسل میں کسی ميمبر کو کوئی مخالفت نہیں ہی اِس ليئے میں تفصیل کے ساتھ اِس کے متعلق کچھ عرض کرنے کی ضرورت نہیں محسوس کرتا۔ لیکن صرف اتنا عرض کرنا چاہتا ہوں کہ اِس سوال کی اہمیت اِس سے ظاہر ہے کہ اِس قسم کا ایک ریزولیوشن اِس سے بہت پہلے کونسل کے ایک ميمبر صاحب نے جن کا نام شاید مرزا سجاد علي خان صاحب تھا پیش کیا تھا اور اُس کے بعد دوسرا ریزولیوشن پچھلے کونسل میں ۶ دسمبر سنہ ۱۹۲۱ء کو ہمارے موجودہ معزز ہوم ميمبر صاحب نے پیش کیا تھا اِس کے علاوہ مدراس ميمبر کے صوبجات میں جو کچھ اِس تحریک کے متعلق ہو چکا ہے اِس پر ہمارے معزز دوست ڈاکٹر شفاعت احمد خان صاحب نے کافی روشنی ڈالی ہے۔ اِس کے بعد میں دیکھتا ہوں کہ ۱۵ دسمبر سنہ ۱۹۲۱ء کو پنجاب کونسل میں بھی ایک ریزولیوشن اِس قسم کا پیش ہوا تھا اور وہ بغیر کسی اختلاف رائے کے پاس ہو گیا۔ جو ریزولیوشن ہمارے صوبے میں ہمارے موجودہ معزز ہوم ميمبر صاحب نے پیش کیا تھا وہ اُنہوں نے اِس یقین کے ساتھ واپس لے لیا تھا کہ گورنمنٹ اِس کے متعلق لوکل ہدایات کو ہدایات جاری کریگی غالباً اِس کے متعلق گورنمنٹ نے ہدایات جاری کی ہونگی لیکن اِس امر واقعہ سے گورنمنٹ کو کوئی انکار نہیں ہو سکتا کہ اُن ہدایات کے جاری کرنے کے باوجود کوئی عملی صورت اِس کے متعلق دستبرد ہوتی یا میونسپل بورڈ نے اب تک اختیار نہیں کی اور اِس ليئے میرے معزز دوست رائے صاحب چونہری شیو راج سنگھ صاحب کو ضرورت محسوس ہوئی کہ اِس قسم کا ایک ریزولیوشن کونسل کے سامنے پیش کریں۔ پچھلی مرتبہ جب یہ ریزولیوشن کونسل میں آیا تھا تو اُس وقت مسٹر میور صاحب نے جو اِس وقت بدقسمت سے موجود نہیں ہیں اُس کا جواب گورنمنٹ کی طرف سے دیا تھا اُن کا جواب دو حصوں میں منقسم کیا جاسکتا ہے ایک بات جو اُنہوں نے بتلائی تھی وہ یہ ہے کہ دستبرد ہوتی ہے بہت سے فرائض ہیں جن میں سے کچھ لازمی ہیں اور کچھ غیر لازمی ہیں اُن کا خیال یہ تھا کہ یہ غیر لازمی فرائض میں سے ہی لیکن آج جب ہمارے معزز دوست آنریبل ٹھاکر مشعل سنگھ صاحب نے تقریر کی اور اُنہوں نے اپنی تقریر میں دستبرد ہوتی ایکٹ کا وہ سیکشن (دفعہ) پڑھ کر

سنایا جو اس کے متعلق ہی تو اس سے میں سمجھتا ہوں کہ یہہ اس کے لازمی فرائض میں سے ہی جس خاص طریقہ سے مسٹر میور صاحب نے بحث کی تھی اور جو کچھ انہوں نے فرمایا تھا وہ یہہ تھا کہ بہت سے فرائض بورڈ کے ایسے ہیں کہ جن کے متعلق مست (must) کہا جاسکتا ہے اور بہت سے فرائض ایسے ہیں جن کے متعلق سے می (may) کہا جاسکتا ہے لیکن آج ٹھاکر مشعل سنگھ صاحب نے جو دفعہ ابھی ابھی پڑھ کر سنایا ہے اس میں شیل (shall) کا لفظ استعمال کیا گیا ہے جو میں سمجھتا ہوں کہ مست (must) کے مترادف ہے اور اب شاید گورنمنٹ کے لیئے بھی اس سے مخالفت کی کوئی خاص وجہ باقی نہیں رہی ہے دوسری بات جو مسٹر میور نے کہی تھی وہ روپیہ کی کمی کے متعلق تھی - یہہ دلیل بدقسمتی سے ہماری گورنمنٹ ہر اچھے کام کی تحریک کی مخالفت میں پیش کیا کرتی ہے اور ہم یہہ سننے کے عادی ہیں *

جناب والا - اب تک پچھلے تین موقعوں پر میور ے علم میں جب کبھی یہہ مسئلہ پیش ہوا ہے تو میں خاص دلائل اس کی مخالفت میں پیش کی گئی ہیں اول جیسا کہ اس سے پہلے پنجاب میں اور ہماری کونسل میں دوران بحث میں کہا گیا تھا کہ بعض فقیہوں کی مذہبی حیثیت ہوتی ہے اور ان کو اس طریقہ سے خیرات مانگنے سے منع کرنا ہماری پبلک کے بڑے حصہ کے لیئے ناقابل قبول ہوگا - میں اس کے متعلق یہہ عرض کرنا چاہتا ہوں کہ اس ریولیوشن کے ذریعہ سے جس حالت میں یہہ بیان پیش ہے کسی قسم کے فقیہوں کی روک تھام کے لیئے جو بھیک مانگ کر زندگی بسر کرتے ہیں کوئی قانونی یا لازمی کارروائی کرنے کے لیئے درخواست نہیں کی جا رہی ہے بلکہ ایسے محتاج ارباب اور معذور لوگوں کے لیئے جو اپنے گذر اوقات کی کوئی معقول سبیل کرنے کے قابل ہیں یا ان بد نصیب انسانوں کے لیئے جو اپنی بقا اور وجود کے لیئے کوئی کوشش اور جدوجہد کرنے سے قاصر ہیں آپ کی فیاضی اور آپ کی سخاوت سے اپیل کی جاتی ہے کہ آپ گورنمنٹ کی خدمت میں اس ریولیوشن کو پیش کر کے یہہ عرض کریں کہ ان کے بسر اوقات کے لیئے لوکل بورڈ کے ذریعہ سے غریب خانوں کا اہتمام کیا جائے - دوسری بات جو کہی جاسکتی ہے وہ یہہ ہے کہ دسترکٹ بورڈ اور میونسپل بورڈ کے لیئے ایسے محتاج خانوں کا قائم کرنا لازمی کیا جائے یا غیر لازمی رکھا جائے اس کے متعلق میں آنریبل ٹھاکر مشعل سنگھ صاحب کی تقریر سے مطمئن ہوں کہ دسترکٹ بورڈ کے لیئے ایک موجودہ کے ذریعہ سے یہہ لازمی ہے لیکن کسی وجہ سے اس پر عمل نہیں کیا گیا اور اب ہماری لوکل گورنمنٹ کو صرف ان کو ان کے اس نہایت ضروری فرض کی یاد دہانی کرانے کی ضرورت ہے اسی طرح میونسپل بورڈ کے لیئے بھی یہہ لازمی کیا جانا چاہیئے وہ اپنے اپنے شہروں میں معذور اور بیکار غریبوں کے لیئے محتاج خانے قائم کریں - کس سنگدل کو ان ہزاروں انسانوں کی حالت پر رحم نہ آتا ہوگا جن کو قدرت نے اسی دنیا کی درجہ دھوپ اور اپنے لیئے سعی بھنا نک کر سکھنے سے معذور کر دیا ہے - آہ - جن کا مکان صرف آسمانی سایہ ہے جن کی غذا اور خوراک خون چکر ہے - آپ خدا کی اسی مخلوق پر رحم کیجیئے خدا

آپ پر رحم کریں۔ جناب والا - تیسری بات جو کہی جا چکی ہے وہ اُن مصارف کے انتظام کے متعلق ہے جس کا اضافہ اس تحریک کی تکمیل کے سلسلہ میں میونسپل بورڈ اور ڈسٹرکٹ بورڈوں پر ہوگا ہم کو راء بہادر تھا کہ ہنومان سنگھ صاحب کا شک گزار ہونا چاہیئے کہ انہوں نے ایک بہت ضروری امینڈمنٹ (amendment) ترمیم اصل ریزولوشن بھی شامل کر دی ہے جس کے بعد اس پر بحث و مباحثہ کی کوئی ضرورت ہی باقی نہیں رہی ہے *

ایک معزز ممبر صاحب نے اس ریزولوشن کی تائید کرتے ہوئے (poverty tax) غریبوں کے لئے ٹیکس کے نام سے ایک نئے ٹیکس کے تجویز کیئے جانے کی سفارش کی ہے میں اس معاملہ میں اپنے معزز دوست راء بہادر لالہ متھرا پشاد مہووترا سے پورے طور پر متفق ہوں - آپ کو یاد ہوگا کہ انہوں نے ابھی ابھی تجویز پیش کی ہے کہ ہمیں اپنی صوبہ کی آمدنی کا کچھ نہ کچھ حصہ چیریٹیبل پوز (charitable purposes) خیراتی کاموں کے لئے وقف کر دینا چاہیئے - یہ اس ملک کا عام دستور ہے اور تقریباً دنیا کے تمام مذاہب نے اس کی سختی کے ساتھ ہدایت کی ہے اور ہمیں یقیناً اُس کے مطابق عمل کرنا چاہیئے اس کے بعد میں اپنی تقریر کو ختم کرتا ہوں لیکن اس سے قبل اپنے معزز منسٹر صاحب لوکل سیلف گورنمنٹ کی خدمت میں یہ عرض کرنا چاہتا ہوں کہ جب یہ ریزولوشن موجودہ معزز ہوم ممبر صاحب نے پیش کیا تھا تو آپ نے اپنی تائیدی تقریر میں جن خیالات کا اظہار فرمایا تھا وہ بیحد حوصلہ افزا ہیں اور اسی اعتماد اور بہروسہ کے ساتھ میرے معزز دوست راء صاحب چودھری شیوراج سنگھ صاحب کو اس ریزولوشن کے پیش کرنے کی جرات ہوئی - میں جناب کے وہ آخری فقرات سنانا چاہتا ہوں جو آپ نے اپنی تقریر میں یہ حیثیت معمولی غیر سہکاری ممبر کے ۶ دسمبر سنہ ۱۹۲۱ء کو فرمائے تھے *

"I fully realize the financial difficulties which may be felt in giving effect to this resolution; but I say, Sir, that a bold and forward step should be taken at an early date and all the municipalities should be informed and impressed upon that they should take as early steps as possible to give effect to this resolution."

جناب وزیر لوکل سیلف گورنمنٹ کی خدمت میں میں یہ عرض کرنا چاہتا ہوں کہ جس خاص خلوص اور جس قابل تعریف جوش کے ساتھ جناب نے یہ الفاظ فرمائے تھے وہ شاید قدرت کو اتنا پسند آیا کہ اس ریزولوشن کو عملی جامہ پہنانے کا شرف قدرت نے آپ کے لئے ہی رکھ چھوڑا - این سعادت بزور بازو نیست - میں اُمید کرتا ہوں کہ اس وقت آپ نہ صرف لفظی طور پر بلکہ عملی طریقہ پر ایسے محنتا جوں غریبوں اور اباہجوں کے لئے پوری پوری ہمدردی کا اظہار فرمائیں گے جن کو قدرت نے اپنی کسی غیر معلوم مگر صحیح اور ضروری مصلحت کی بنا پر خود اپنا بار حیات اُٹھانے کی قوت و استعداد سے محروم کر دیا ہے - ہاں بھلا کہ بھلا ہوگا * اور فقیر کی صدا کیا ہے *

Mr. Muhammad Aslam Saifi: I consider it is a very modest request that has been made to the Government to issue instructions to the various

local bodies to establish poor-houses in local centres. I listened very carefully to the speech of the honourable mover of the resolution, but he did not tell the House whether there were any poor-houses already established by the various local bodies, viz., district and municipal boards, and, if so, what was their number and what was their condition. I have stood up at this stage because the Hon'ble Minister in charge of the department has not yet spoken and I therefore request him to throw light on this side of the question. Probably he has got statistics with him which he could put before the House. It is not within our knowledge whether the various municipal and district boards of the province have established any poor-houses and, if so, how many. I do not see any reason why the resolution in its present form should not be acceptable to the Government. There are two kinds of beggars—(1) professionals, and (2) infirm, old, helpless people. It is a sad sight to see in the urban areas people suffering from all sorts of horrible diseases sitting on thoroughfares unable even to reach the hospitals, without any food, without any clothing, without any shelter. I have seen such sights in several important cities, which clearly shows that in those important cities no poor-houses exist.

My honourable friend Rai Bahadur Thakur Mashal Singh spoke on this resolution; in fact he anticipated me because I had walked out of the House for a couple of minutes to look up references. When I returned, I found my friend Mr. Mehrotra speaking and he was quoting the budget figures. I thought perhaps he had a relapse into the budget discussion over again. He mentioned the income of the Provincial Government for the current year. Then he probably suggested that even if one per cent is given out of that income for the establishment of these poor-houses or towards their assistance they could easily be established.

Well, Sir, I notice that in the District Boards Act [section 91 (c)] it is obligatory upon every district board to establish a poor-house. The new District Boards Act came into force at the latter end of 1922. I should like to know from the Hon'ble Minister in charge of the Local Self-Government department if he has any information in his possession regarding the establishment of this most necessary institution by the district boards of the province. In the Municipalities Act I find that in section 8(b) it is optional for the municipal boards to establish such institutions. One might raise the question whether their finances are capable of undergoing this expense, but I think it is such a necessary expense that if for one reason or another their finances cannot stand that strain, they must go in for new taxation. I cannot for a moment tolerate that those people who secure the votes of the poor people in order to represent them on the local bodies should overlook this most necessary requirement of the very poor people. In fact, as far as I am aware, with the exception of half a dozen municipal boards there is no district board where any poor-houses are established. It is perhaps the municipal board of Allahabad and four or five other boards which have established poor-houses. I think, therefore, that this resolution should be accepted by the Government.

Raja Bahadur Brij Narayan Rai :

— جناب والا —

چونکہ یہ آخری اجلاس می اور یہ ریزولوشن جو پیش کیا گیا ہے وہ نہایت ضروری ہے اور اس کے اوپر بہت سی تقریریں ہو چکی ہیں اور اس

کے اُدپر کافی روشنی ڈالی جا چکی ہے اس لیے مجھے کو زیادہ خصوصیت سے گذارش کرنے کی ضرورت نہیں ہے مجھے کو صرف یہ دکھانا ہے کہ یہاں بھیک مانگنے والوں کی دو قسمیں ہیں ایک تو وہ جو پیشہ ور ہیں اور جن کی تعداد مذہبی جگہوں پر بہت زیادہ ہے - جو لوگ کہ مذہبی جگہوں پر بھیک مانگتے ہیں وہ واقعی بھیک مانگنے والے نہیں ہوتے ہیں بلکہ وہ پیشہ ور ہوتے ہیں اور رویہ کما کما کر کافی تعداد میں جمع کر لیتے ہیں - دوسری جماعت وہ ہے جو واقعی غریب ہے لیکن اُس کا ہتھ مشکل سے ملے گا اس کی وجہ یہ ہے کہ وہ لوگ عام طور پر دوسروں کے سامنے ہاتھ پھیلائے میں نہایت شرم سمجھتے ہیں اور جو لوگ کہ دیہاتوں میں گھومتے ہیں یا گلی کوچوں میں جاتے ہیں اُن کو اُن کی واقفیت ہوسکتی ہے بشرطیکہ وہ لوگ اس طرف خیال کریں *

ہزاروں کاشتکار ایسے ہیں جن کو ہفتہ میں تین یا چار روز مشکل سے کھانا ملتا ہے لیکن وہ بیچارے پھر بھی اپنے اُدپر مصیبت گوارہ کرتے ہیں لیکن بھیک مانگنا پسند نہیں کرتے - یہ بہت ضروری ہے کہ دستِ بورد وغیرہ محتاج خانے بنانے کی طرف خیال کریں لیکن سب سے اہم سوال رویہ کا ہے جب تک کہ اِس کام کے لیے کافی رویہ موجود نہ ہوگا تب تک یہ کام نہیں چل سکتا ہے - اگر اِس کے واسطے گورنمنٹ کافی رویہ دے تو دستِ بورد وغیرہ بھی اِس کام کو چلا سکتے ہیں ورنہ جیسے کہ آنرییری عہدے ہوتے ہیں ویسے ہی محتاج خانے ہو جائیں گے نام کو تو یہ محتاج خانے ہونگے لیکن واقعی میں اُن کے اندر اُن غریبوں کا جو پانے کے مستحق ہیں ہتھ نہ ملے گا اور انگریزوں کا جو خیال کیا جاتا ہے تو اُس کے متعلق مجھے کو کہنا پڑتا ہے کہ ہندوستان کے رئیسوں سے وہاں کے محتاج زیادہ آرام کرتے ہیں - اُن کے کپڑے چوتھے درجہ کے ہوتے ہیں اُن کے بچھونے اور نیکے چوتھے درجہ کے ہیں اور اگرچہ اُن کو مورتا کپڑا ملتا ہے لیکن پھر بھی آرام دہ ہوتا ہے - جازے کے دنوں میں اُن کے لیے آگ جلانے کا انتظام کیا جاتا ہے لیکن افسوس تو ہماری حالت پر ہے کہ ہم لوگ بھوکے مرنے ہیں اور کچھ انتظام نہیں کر سکتے - ہمارے میں احساس بھی نہیں ہے اور نہ غریبوں کی طرف خیال کرتے ہیں - لیکن میں دیکھ رہا ہوں کہ اب ملک میں اِس طرف خیالات رجوع ہو رہے ہیں اور احساس بڑھ رہا ہے مثلاً مشہور ہے کہ (Rome was not built in a day) آئندہ چل کر ہم اِس معاملہ میں بہت کچھ ترقی کریں گے اِس وقت ضرورت ہے کہ گورنمنٹ ہمارا ہاتھ بٹائے اور اُس میں مدد دے نہ تو ہمارے یہاں محتاجوں کو انگریز کی طرح عمدہ غذائیں ملتی ہیں اور نہ کوئی ایسا کام سکھایا جاتا ہے کہ وہ اِس مسئلہ پر کہ (Self-help is the best help) عمل کر سکیں - جو محتاج خانے بنائے جائیں اُن میں صنعت و حرفت کی تعلیم بھی ہونی چاہیے مثلاً دیہات کے کام جیسے مرنج یا رسیاں بٹانے وغیرہ ایسی چیزیں سکھائی جائیں تاکہ وہ لوگ آئندہ بھی اپنی روزی کمانے کے لائق ہوجائیں *

اگر اُن کو صرف کھانا دیا جائے گا تو وہ اُس کے عادی ہوجائیں گے اور سمجھیں گے کہ یہ ذریعہ اچھا ہے محتاج ہنر پڑے رہیں اور اپنا پیٹ پالیں - لیکن اگر

کوئی کام سکھایا جائیگا تو کام سیکھنے کے بعد محتاج خانہ سے باہر کر دیئے جایا کریں گے تاکہ وہ خود کوشش کر کے اپنی روزی کمائیں - میں نہایت صدق دلی سے اس ریزولوشن کی تائید کرتا ہوں *

جناب پریسیدنٹ صاحب -

Raja Shambhu Dayal:

اس کونسل کے غریب خانہ میں اب تک اگر کوئی ریزولوشن سب سے ضروری آیا ہی تو یہ ہی اور خاص کر اس تین دن کے سیشن میں - اگر یہ ریزولوشن نہ آتا تو میں یہ خیال کرتا کہ یہ ہزاروں روپیہ جو ہم لوگوں نے خرچ کا گورنمنٹ سے وصول کیا ہی وہ بالکل فضول ہی - (تہقہہ) *

اس کی ضرورت کو ثابت کرنے کے لیئے کسی لمبی چوڑی تقریر کی ضرورت نہیں ہی - ریزولوشن یہ پیش کیا گیا ہی کہ ہر ضلع میں کوئی محتاج خانہ قائم کیا جائے - میرے خیال میں دسترکٹ بورڈ ایکٹ کے اندر ایسی گنجائش موجود ہی اگر میمبر صاحبان چاہیں تو وہاں محتاج خانہ کھول سکتے ہیں لیکن سوال یہ پیدا ہوتا ہی کہ روپیہ کی ضرورت کہاں سے پوری ہو - شاہی زمانہ میں کوئی بادشاہ صاحب بہت کفایت شعار تھے داروغہ اصطبل کی طرف سے اُن کے سامنے یہ مسئلہ پیش کیا گیا کہ طویلے کے خرچ کے لیئے کوئی رقم منظور ہونا چاہیئے اُنہوں نے اُس پر حکم دیا - پخت طویلہ از آخر طویلہ *

ایسا نہ ہو کہ منسٹر صاحب انچارج یہ کہیں کہ بورڈ کو جتنا روپیہ دیا جاتا ہی اُس میں سے کچھ میں محتاج خانے کھولے گورنمنٹ کے پاس روپیہ نہیں ہی اور اگر ضرورت ہی تو ٹیکس لگائے تو میں یہ کہوں گا کہ ٹیکس لگانے کے یہ معنی ہونگے کہ ایک طرف محتاجوں کی مدد کے لیئے محتاج خانہ کھولا جائیگا اور دوسری طرف جو محتاج نہیں ہیں وہ محتاج بنائے جائیں گے (تہقہہ) لہذا اس صورت میں کہ کوئی ٹیکس نہ بڑھایا جاوے میں درخواست کروں گا کہ گورنمنٹ اس ریزولوشن کو منظور کرے اور جہاں تک ممکن ہو محتاجوں کی مدد کرے - ان الفاظ کے ساتھ میں اس ریزولوشن کی تائید کرتا ہوں *

Hon'ble Nawab Muhammad Yusuf: I fully sympathize with the spirit of the resolution which has been so feelingly moved by my friend Rai Sahib Chaudhri Sheoraj Singh, but, Sir, the House will recognize that, as the resolution stands, it is not possible for the Government to issue any direct orders. I may bring to the notice of the House that there are some local bodies which have already got poor-houses, and there are yet others which are giving aid to poor-houses. Therefore a general order or instruction could not be issued. Moreover, the Government has no power to do so. My friend Rai Bahadur Thakur Mashal Singh no doubt has drawn my attention to section 91, but that deals with the boards themselves. Section 91 enumerates the duties that are imposed on the district boards, it does not invest the Government with a direct and clear power to issue any instruction or order to the boards to do this or that act. All I can do is this, that I shall draw the attention of the different boards again to the proceedings which were forwarded to them before and would gladly forward today's proceedings also to them. That is all that the Government is

[Hon'ble Nawab Muhammad Yusuf.]

in a position to do, and I hope the honourable mover will see his way to withdraw his resolution in view of the assurance that I have given.

Rai Bahadur Thakur Hanuman Singh: What about Government aid to these poor-houses?

Pandit Baijnath Misra: The attitude taken by the Hon'ble Minister is very disappointing indeed. I think it is too late in the day to advance arguments to convince anybody that the care of the destitute and the poor is one of the duties of the State. Reasons are not wanted to convince people of this age. If any appeal were needed to excite the sympathy of the Government in this matter I would refer to the speech of my honourable friend, Khan Bahadur Maulvi Fasih-ud-din. There is no doubt that in the District Boards Act and in the Municipalities Act, as the Hon'ble Minister has remarked, one of the duties imposed on those bodies is the institution of poor-houses, but very rightly those duties have been made optional by the Government. If the Government were to make those duties compulsory on those bodies, it was incumbent on the Government to provide for them, because local bodies have got limited funds and if they have to perform this duty as a matter of necessity, funds must be found for the purpose. Now, the position is this. It being an obligatory duty of the State to take care of the poor and the destitute, Government is not going to move in the matter at all. The two local agencies which the Government has got cannot do this, first, because the duty is optional and secondly, and, very rightly, because they have got no funds for that. The result is that a most essential and most obligatory duty that has to be performed by the State remains unperformed even up to this date. In the very beginning of the reformed Council, that is, in the year 1921, the attention of this House was drawn to this fact, and the two members of the House who now occupy a position on the other benches moved and supported a resolution like that. But now as soon as they have been transferred to the other benches their attitude has changed. It is indeed a great pity and it is a matter of regret that even up to this day the conscience of the Government has not been roused to the performance of this very necessary duty on its part.

Pandit Brijnandan Prasad Misra: I would not have ordinarily taken part in the debate, and it was for that purpose that I did not choose to speak in the beginning, but the disappointing reply of the Hon'ble Minister in charge of the Local Self-Government has compelled me to say a word or two in respect of the present proposition. The answer is absolutely disappointing, because the utmost that the Hon'ble Minister wishes to do in regard to the proposal of this House is to submit the proceedings of today's discussion to the local bodies. This in itself means nothing, because, if the proceedings were sent to the boards with some recommendations from the Government, then of course it would have meant something but a mere forwarding of the proceedings of this Council to these local bodies would not mean anything to them, because that would not carry with it any sort of authority to compel the attention of these bodies to the proposal. In regard to the amendment of the honourable member for Ballia asking for a substantial grant for the purpose of furtherance of the object of this resolution the honourable member has kept discreet silence, which means negation or rejection of the proposal in that regard. If the discussion or the proceedings of

today are forwarded to these local bodies, as was done once before, that would have absolutely no effect, as we know, the proceedings of the former debate had also been forwarded to the local bodies, and yet after all no boards or only a small number of boards have taken any action thereon. I cannot understand the reasons for the hesitancy of the Government in the acceptance of this reasonable proposal. I would be covering the same ground that has been already covered by those honourable members who have spoken before me, if I were to say that the evil of beggary would be restricted considerably if the present resolution is accepted. I would not even say that the one most urgent task of providing for the needy would also be met with, but what I wish to urge by the House is that the proposition is a sound financial one, because if the local boards could come forward for the purpose of supplying poor-houses in the districts it would be an easy task. The Government here is wasting large sums of money in providing for what have been termed as sturdy beggars. We are spending money in supplying large sums of money to highly-paid servants of the Government, we are spending large sums of money for providing grand buildings which break down or which blow out on account of the ingenuity and the superior conscience and intelligence of the expert engineers. When we are spending large sums of money for providing grand buildings which break down on account of the superior genius and intelligence of the expert engineers—when we are spending money for all these purposes—I think that we can very well supply money for one of the most pressing and urgent needs of the country. Government has so far proved itself to be sinful in neglecting this important duty. If the Government had taken their courage in their hands it could have gone to these boards and asked them to establish poor-houses in their localities. It can, no doubt, do that, as it has the authority to supervise these boards. The proposition is not a very difficult one, if the Government sees its way to find a few lakhs of rupees to distribute it among the local bodies for the purpose. I think the Hon'ble Minister has taken note of what has been spoken by the Hon'ble Raja of Padrauna. If it looks into the possibility of introducing some industrial arts and crafts into these poor-houses it would fetch a little income; this, together with the small sum of money set apart by these boards, and the Government grant, would have sufficed for the purpose of maintaining such institutions.

I may say one more word. If any board comes forward with a proposal to give effect to a scheme of this kind it would be quite possible for it to do so, because among Indians, whether they be Hindus or Muhammadans or Christians or Parsis there is not one who does not set apart a part of his income for charitable purposes. If there was any well-organized institution in any locality private individuals would have come forward and given large sums of money for such a nice purpose. Even at present individual persons pay money out of their pockets to those persons whom they consider to be needy. As this depends on individual discretion, at times the money reaches persons who are in need and at other times it reaches those persons who do not deserve it. If any institution of this sort is to be established private charity will get an object to which it could be given in the full confidence that it would reach deserving persons. If the Government consider this proposal a little more deeply, I think they would find it perfectly reasonable and they would not oppose it. If the Government sticks to its unreasonable position, I hope that the House will carry the resolution in spite of its opposition.

Kunwar Jagdish Prasad : I am not concerned officially with this resolution. But I would like to point out to the House what the resolution says. It says: "That this Council recommends to the Government to be pleased to issue instructions to the local bodies", etc., to do certain things. May I inquire from my honourable friend, the mover of this resolution, whether the district boards have failed to make provision and has this matter been brought to the notice of the district boards? If it has been, then have the boards declined to make provision? The first thing, therefore, that any honourable member should do is to bring this matter before the district boards. And if any district board by a majority decides that there is no need to make such a provision, then is it the intention of honourable members of this House that we should override the decision of the board in all cases without exception? I first want to know, Sir, from my honourable friend, the mover of this resolution, what is the reason for bringing this resolution at this stage. The district boards have recently been elected. Has this proposition been put forward before the newly-elected boards and have they failed to discharge their duties? If they have failed to discharge their duties properly, then I can quite understand that you should come to the Government and say that such and such board has failed to discharge its duties. If this resolution deals with such cases, then the question is, what is the use of issuing instructions to a board which has already declined to consider the matter? If the matter has been placed before the board and if the board has decided by a majority not to take any action and then if the Government issues instructions to the board which has already come to a decision and if the board refuses to take any action the only reasonable attitude to adopt will be that this House should tell the Government to suspend that particular board. The first thing to do is to bring the matter to the notice of boards, and if there are certain boards which have taken up such an unreasonable attitude that they should be suspended, then it is for the House or the honourable member concerned to say that the board, A, B, or C, has not made reasonable provision and that, therefore, instead of issuing instructions, the board should be suspended. What I wish to point out is that the resolution as it stands is perfectly meaningless. If a board refuses to make provision, the mere issuing of instructions will have no effect. We will have to take further action and suspend the board. Therefore, I think the proper way of proceeding is first to ask the district boards to consider this matter. If you find that the district boards are not discharging their duties which are laid down under the Act, then the Minister or the Government should be approached to take such measures against that particular district board as would induce it to discharge its duties efficiently. Under the Act the boards have to make reasonable provision not only for this but also for lunatic asylums, water-works, canals, etc. Are instructions to be issued in regard to all these matters? After having given these boards autonomous powers, is it right that you should issue such instructions to them without giving them the opportunity of discharging their duties of their own accord? The initiative in this matter should come from the district boards themselves. Should we tell them: "You should open poor-houses" and issue instructions? Then, what about their other duties? Is it that the House does not regard. . . .

Khan Bahadur Shaikh Masud-uz-Zaman : What about the municipalities?

Kunwar Jagdish Prasad : What I mean to say is that the initiative in these matters of local concern should come from the district boards. Until we have had experience that the boards have not discharged their duties efficiently, I think Government should not interfere. The interference of Government should only be when a board has failed to discharge the duties laid down by the Municipalities Act or the District Boards Act. Therefore, what I say is that the only thing for us to do is to send these proceedings to the boards so that they may know that honourable members are very much interested in the subject and that they should devote their attention to this particular matter. I do not see what else the Local Government could do at the present moment in this matter which primarily concerns local bodies.

Rai Sahib Lala Jagdish Prasad : In view of the remarks of the Education Secretary I wish to move, with the permission of the House, some amendments to the resolution, and they are as follows :—

"For the words 'issue instructions to' substitute the words 'invite the attention of' again for the words 'to institute' read the words 'to the desirability of instituting'; The word 'provide' will also have to be altered to the words 'of providing' so that if, my amendments are carried, the amended resolution would read thus :—

"That this Council recommends to the Government to be pleased to invite the attention of the local bodies to the desirability of instituting poor-houses at convenient centres for the incapacitated poor and of providing free education, technical or otherwise, for their children."

Hon'ble the President : Is there any objection to the amendments being moved ?

There being no objection, the honourable member was allowed to proceed.

Rai Sahib Lala Jagdish Prasad : I move the amendments as stated above. I understand the view-point of the Education Secretary. He says that if the Government are to issue instructions to local bodies on the subject, it would mean that it would be obligatory on them to establish poor-houses. But if only the attention of local bodies is invited by the Government to the desirability of instituting such poor-houses, I think our difficulty will be solved. If later on, we find that the local bodies have not taken adequate steps in this direction, it may be proper for us then to pass a resolution like the one before the Council. Therefore, I submit that if my amendments are carried, it will meet the case adequately for the present and the difficulty which the Government feel in the way of accepting the resolution will perhaps be overcome.

The Council here adjourned for lunch.

After the recess—

Dr. Zia-ud-din Ahmad : I move for the closure of the debate.

The motion was put and adopted. *

Rai Sahib Chaudhri Sheoraj Singh : If the Hon'ble Minister has not been convinced after the unanimous support which has been accorded to the resolution, I think it is hardly possible for me to convince him. It is very disappointing to find that the Hon'ble Minister instead of advancing has gone backward. When he occupied the non-official benches, he himself supported a similar resolution moved by the Hon'ble the Nawab of Chhatari. However, I will now proceed to deal with the objections which have been urged by him. He admits that it is the bounden duty of the district boards to institute poor-

[Rai Sahib Chaudhri Sheoraj Singh.]

houses, but at the same time he says that the Government cannot take direct action in the matter. I would like to ask him then what for this department of Local Self-Government exists? He further says that they invited the attention of the municipal and district boards in 1921 to the resolution of the Hon'ble Nawab Sahib of Chhatari. I want to inquire from the Hon'ble Minister what action those boards took. As no action has been taken by them, I have been obliged to bring this motion before the House. In section 168 of the District Boards Act it is stated:—"If at any time, upon representation made or otherwise, it appears to the Local Government that a board has made default in performing a duty imposed on it by or under this or any other enactment, the Local Government may, by order in writing, fix a period for the performance of that duty." If the local boards have not taken any heed of the instructions issued to them, I would have no objection if they are suspended and an explanation is called for from them. The boards are expected to act according to the District Boards Act and according to the wishes of the people. The Hon'ble Minister should realize that he is as much responsible to the Council as to the Government. He should therefore not discard the unanimous opinion of this House. I understood from the talk which was going on when the resolution was being discussed that he himself did his best to carry out the wishes of the Council, but that as the Secretary of the Local Self-Government opposed this resolution when it was brought before the Council in 1921, he was bound to go with him. I would request the Hon'ble Minister to accept this moderate resolution which has been supported unanimously by this House.

The amendment of Rai Bahadur Thakur Hanuman Singh that at the end of the resolution the following words be added, viz. "and also be pleased to pay reasonable grant-in-aid" was put and adopted.

As regards his amendment that for the word "their" the word "the" be substituted Hon'ble President pointed out that it was either superfluous or outside the scope of this resolution. On this it was withdrawn by leave of the Council.

The amendment of Rai Sahib Lala Jagdish Prasad that for the words "issue instructions to" the words "invite the attention of" be substituted was put and adopted.

His second amendment that for the words "to institute" the words "to the desirability of instituting" be substituted was put and adopted.

His third amendment that for the word "provide" the words "of providing" be substituted was put and adopted.

The resolution, as amended, was put and adopted.

RESOLUTION re TRANSFORMATION OF BASTI TOWN AREA INTO A MUNICIPALITY.

The following resolution standing in the name of Bhaya Hanumat Prasad Singh was withdrawn:—

"that this Council recommends to the Government that the town area of Basti be made a municipality."

RESOLUTION *re* TRANSFER OR SUBORDINATE COURTS.

Rai Bahadur Thakur Hanuman Singh: I beg to move—

"That this Council recommends to the Government that it may be please to rule that no permanent munsif's or subordinate judge's court, where there be sufficient work for it, shall be transferred from one locality to another and that it should consider the claims of the districts, where there are no subordinate judges courts, and provide them with such courts if the amount of work be enough to keep them engaged."

It seems that the policy of the High Court is to transfer the munsif's court from the interior to the headquarters of the districts. This is felt very much by the people who live in the interior, because their coming to the headquarters for getting justice means spending large sums of money in the shape of travelling allowance of witnesses and on certain other items. I may tell the House that this feeling is not confined to a particular locality but it is widespread. The other day there was a discussion about the removal of the sub-judge's court from Mainpuri to Etawah and today in the beginning there was a long debate on the removal of the munsif's court from Ghaziabad to Baghpat. In regard to the latter in his speech the Hon'ble the Home Member tried to put forward as many reasons against the resolution as he could possibly do. But his speech was not convincing at all to the non-official benches. A weak cause can only successfully be pleaded by a lawyer and not by an executive. At present there is a very great feeling amongst the people of the Rasra tahsil in the Ballia district, on account of the order of the High Court to remove the munsif's court from Rasra to the headquarters of the district. Meeting after meeting is being held, and resolution after resolution is being passed and submitted to the the Hon'ble the Home Member, the Hon'ble High Court, the Judge at Ghazipur, the District Magistrate, and the Commissioner. Not only the people are agitating, but the district board too has passed a resolution which would have been received by the Hon'ble the Home Member, a copy of which was sent to me, and I believe a copy of the same was sent to the High Court also. No doubt a deputation waited on the Hon'ble the Home Member, and he gave a sympathetic reply, but they were not very well satisfied. An inquiry was made very recently by the sub-divisional officer of Rasra tahsil to find out whether the people liked the court to be transferred or not. I do not know what that officer has reported, but I think it must be in favour of the retention of the court at Rasra. All those who waited as members of the deputation told me that they would pay a portion of the cost of building the munsif's court at Rasra if the Government would accept their offer. From this, Sir, you can find out how very keen they are for having munsif's court at Rasra, which has been in existence since 1864. They are being deprived of a thing which they have been enjoying since a very long time. Rasra is a growing town. There is much trade. The people of Rasra, as well as those of the interior of the tahsil, have sent their appeal to the non-official members of this House, and with your permission I wish to read one paragraph of it which will show how important a place Rasra is.

Hon'ble the President: The House will take that from the honourable member.

Rai Bahadur Thakur Hanuman Singh: There are pathshalas, there are three Primary schools, one Middle English school, and one Vernacular

[Rai Bahadur Thakur Hanuman Singh]

Final School. If the munsif's court is removed from Rasra to Ballia, I think all these institutions will suffer. All the pleaders and the clerks of the munsif's court will go to Ballia: their children will leave the schools and the schools will deteriorate. The Government is paying annually Rs. 300 per month to the English Middle School, and I think all the money which the Government has been paying up to this time will be lost. Then, Sir, at Ballia there is no building in which the munsif can hold his court. There are no quarters for him. The Hon'ble the Home Member said that, on account of the building which has been built at Ghaziabad a few years ago, it would be very difficult for the Government to shift that munsifi from Ghaziabad to Baghpat, but here is a case where the court is being shifted to a place where there is no building for its location or a building for the residence of the munsif. It is said that Rasra is an unhealthy place. Since 1864 not a single munsif has taken sick leave from that place; then how can it be unhealthy? There is a dispensary, there is a tahsildar, and a naib-tahsildar. Then there are sub-inspectors. If Rasra is so unhealthy that it is impossible for a munsif to live there, then all these institutions and courts should be removed to a healthier place. The amount of work which this munsifi has been getting is more than enough for a munsif to dispose of within a year and it is expected that the work will increase on account of the enhanced powers of the munsif. In 1923 the number of cases instituted was 594.

Hon'ble the President: I would ask the honourable member to bring the discussion to a close.

Rai Bahadur Thakur Hanuman Singh: Now I would say that the retention of the Sub-Judge's Court at Ballia should also receive very favourable and serious consideration of the Government. That court, too, is getting more than enough work for disposal.

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: The resolution before the House was worded in general terms, but when the honourable member began to speak, he concentrated on Ballia and Rasra. As far as the question of Rasra munsifi is concerned, the honourable mover is aware that the whole question is engaging the attention of Government. The honourable mover mentioned about a deputation that waited on me. I would like to mention that another deputation headed by another member of this House also waited on me, and that deputation was against the proposal put forward by the deputation headed by the honourable mover. Both these deputations came from the very same place. As I said, this question is receiving the attention of the Government: I can say nothing further at this stage.

Coming to the resolution, I am sure this House will not give its support to it. After having carried the resolution in the morning in which it was recommended that a certain munsifi should be transferred from one place to another, I do not think that the House can accept this resolution which says that no permanent munsif or Subordinate Judge's Court, where there is sufficient work for it, shall be transferred from one locality to another. If you are going to fetter the hands of the Government, it means that we shall not be able to carry out the

wishes expressed in the resolution this morning. It comes to this that in the morning you ask the Government to do a certain thing and the same evening you say "don't do it." I think that if this House is going to support this resolution, it will not only put the Government in an awkward position, but the House itself will be put in an awkward position. The policy of the Government in such matters is that whenever there is a question of moving a court from one place to another we always consult the High Court or the Chief Court, as the case may be. We also invite public opinion on the point. But as far as the public opinion is concerned we have to face difficulties. There are always conflicting opinions before the Government. In the case of Rasra one deputation came and said that the munsifi should not be transferred from Rasra. Another deputation came and said that the munsifi should be transferred from Rasra to Ballia, and the reason is very obvious. There are conflicting interests. There are various parties which are interested in the matter. Some of them are interested in retention, while there are others who are interested in the removal of the court from that place. Therefore, naturally, the Government has to consider the convenience of the majority. These are wide principles on which we decide where a court should be located and whether it should be transferred or not. I am sure that as far as the question of Rasra is concerned we will be ready to act on this principle when it will come up before the Government.

Rai Bahadur Thakur Hanuman Singh : I have to reply to three points which have been raised by my honourable friend the Home Member. In the first place he has said that another deputation waited upon him. Certainly that deputation came to me also and it consists of three gentlemen, all of whom are vakils who have settled down and practise at Ballia, and they want the transfer of the Rasra munsifi to Ballia so that they may get a larger number of cases. They do not represent the public of Rasra. They are young men trying to have the court transferred for their own benefit and not for the benefit of the public. As regards the High Court, certainly the High Court must have its full discretion in matters like this. But it is the Executive Government which should inform the High Court of the feeling of the public. The High Court has no agency to inquire and learn what the views of the people are. Therefore, I hope the Hon'ble the Home Member will inform the High Court of the acuteness of the feeling of the public residing in Rasra. Then, he has compared this resolution with the resolution of Chaudhri Sheoraj Singh about Baghpat munsifi. He said that in the face of that resolution this resolution cannot be adopted. My resolution says that "where there be sufficient work for a court." Ghaziabad does not give sufficient work to the Baghpat munsifi . . .

Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : It does.

Rai Bahadur Thakur Hanuman Singh : No, it is Baghpat which gives work. Here the argument is fallacious. I still maintain that my resolution is quite consistent with the one that has been carried this morning, and I think that both the resolutions can be adopted and given effect to by the Government.

However, I withdraw my resolution,

The resolution was, by leave of the Council, withdrawn.

Hon'ble the President: Under the orders of His Excellency the Governor the Council stands prorogued.

APPENDIX A.

(See page 617 *supra*.)

*Statement referred to in the answer to starred question No. 5 asked by
PANDIT BRIJNANDAN PRASAD MISRA SAHIB on April 8, 1926.*

*Statement showing the clerical staff under the Director of Agriculture,
United Provinces.*

Scale of pay.	Number of posts held by—	
	Hindus.	Muslims.
Maximum over Rs. 200	..	2
„ Rs. 150 and over	7	4
„ „ 100 „ „	15	11
„ „ 50 „ „	36	16
Below Rs. 50	22	7
Total ..	80	40

APPENDIX B.

*(See page 618 supra.)**Statement referred to in answer to starred question No. 12
for April 8, 1926.**Names of persons.**Action taken.*

- | | |
|---|---------------------------|
| (1) S. Amir Haidar, mukhtar .. | Dismissed. |
| (2) Babu Ajar Nath, range officer .. | Prosecuted and convicted. |
| (3) Babu Ishwari Prasad, motor superintendent and his clerk, Babu Sundar Lal. | Prosecuted, case pending. |
| (4) Babu Nanhe Prasad, supervisor, model farm. | Dismissed. |
| Babu Ganesh Chandra, head clerk .. | Removed. |
| (5) Babu Sunday Khan, sub-overseer, Nai-mat Mistri and others. | Dismissed. |
| (6) Abdul Hadi Khan, clerk, model farm .. | Board's orders awaited. |
| (7) Munshi Sat Prasad, zilladar .. | Dismissed. |
| (8) Pandit Ram Lal, zilladar .. | Absconding. |
| (9) Mirza Muhammad Nasim Beg, tahsildar | Pending. |
| (10) Pandit Lal Behari, potedar .. | Dismissed. |

APPENDIX C—(continued).

Description of waqf.	Name of the mutawalli.	Annual income.	Value of the property.	Area.	Date of the foundation of the waqf.	The name of the founder.	Object of the waqf.	The remuneration of the mutawalli.	Remarks.
1	2	3	4	5	6	7	8	9	10
		Ra. a. p.	..	Big. bis. 17 15					
11. Masjid Idgah	11. Zia-ul-Islam ..	84 14 6							
12. Jumma Masjid, Etmadpur.	12. Ditto ..	117 0 0							
13. Masjid Kalan, Lohamandi.	13. Ditto ..	204 0							
14. Masjid Mah Baru Begum.	14. Ditto ..	195 0 0							
15. Masjid Hajjam.	15. Ditto ..	600 0 0							
16. Alaverdi Khan. Masjid Usef Ali Shah.	16. Ditto ..	318 0 0							
17. Masjid Abdul-lah Isikash.	17. Ditto ..	255 8 0							
18. Masjid Mandi Hing.	18. Ditto ..	364 8 0							
19. Dargah S. Ahmad Najjari.	19. Ditto ..	100 0 0							
20. Dargah S. Hussain Shah.	20. Ditto ..	1,110 8 0							
21. Dargah Mirani Hussain.	21. Ditto ..	266 18 0							
22. Masjid Khua-ja Wafa.	22. Ditto ..	742 8 0							
23. Masjid Sultan Purwain.	23. Ditto ..	945 0 0							
24. Masjid Nawab Montmad Khan.	24. Ditto ..	810 0 0							

25. Masjid Amanullah.	1. Nader Husain. 2. Ahmad Husain. 3. Imam-ud-din Khan. 4. Rahmin Ullah.	84 12 0
26. Masjid and Mazar Abdul-Jah Shah.	1. Aslam Uddin Khan. 2. Talleen Sher Khan. 3. Q. Faizali Sh. 4. Wahid. Mabrab Khan. 5. Alam Shah Khan. 6. Mirza Khorati Beg. 7. Molvi Muhammad Nazim Ali. 8. Habib Ullah Khan. 9. Zia-ul-Islam .. Ditto .. Zaman Khan	744 7 6 7,792 8 0 16,856 0 0 30 0 0
27. Masjid Alhari Agra. 28. Juma Masjid, 29. Wazir Zaman Khan. 30. Dargah Nabi Karim.	1. Syed Ali .. 2. Najib Ullah. 3. Nabi Bux. 4. Rehmat Ullah. 5. Ahmad Husain. 6. Fakhr-ud-din. 7. Umed Ali. 8. Umac. 1. Khalya Husain. 2. Nathi Imam Bux.	9 0 0
31. Nai Masjid Mewa Khan.		

APPENDIX C—(continued).

Description of waqf.	Name of the mutawalli.	Annual income.	Value of the property.	Area.	Date of the foundation of the waqf.	The name of the founder.	Object of the waqf.	The remuneration of the mutawalli.	Remarks.
1	2	3	4	5	6	7	8	9	10
		Rs. a. p.		Big. bis.					
31. Nai Masjid Mewa Khan— (consold.).	3. Jumman. 4. Obhotay. 5. Imam Bux. 6. Bidha .. 7. Mithan. 8. Ramzani. 9. Nargoo. 10. Kheru. 11. S. Faizabi. 12. Chhadami. 13. Gulab Khan.	217 0 0							
32. Masjid Mohalla Nala.	1. Wilayat Khan. 2. Munna Khan. 3. Murtasa Khan. 4. Murtasa Khan. 5. Ahmad Khan. 6. Asmat Hussain 7. S. Fazio. Islamia Committee Sh. Abdul Ali Sahib.	192 0 0							
33. Dargah Sh. Saleem Chushti.	Niazullah Khan ..	804 0 0							
34. Masjid Obak- charan.	1. Gafoor.	45 0 0							
35. Masjid Mauha- ram.	2. Lalla. 3. Chhidu. 4. Sivandar.								

36. Masjid Bebra Shah.	5. Rahim Bux. 6. Ghannu. 7. Khannu. 8. Eliahi Bux. 9. Sikandar. 10. Mania Bux. 11. Karim Ullah	145 8 0			
78. Bagh Shahi .. Masjid Gulam	1. Ali Ahmad. 2. Mohd. Myan Jan Khan. 3. Sh. Tarud Ali 4. Hafiz Nizam- ud-din. 5. Asad Ali Shah Qazi Salamat Ali.. 1. Ali Ahmad. 2. Mohd. Myan Jan Khan. 3. Shah Firzand Ali 4. Hafiz Nizam- ud-din. 5. Asad Ali Khan	118 8 0			
38. Ali Shah.	1. Ali Ahmad. 2. Mohd. Myan Jan Khan. 3. Sh. Tarud Ali 4. Hafiz Nizam- ud-din. 5. Asad Ali Khan	145 8 0			
39. Waqf Kunwar Mohd. Inayat Ali Khan and Hakim-ul-nissa. Dargah Loha Mandi.	1. Kunwar Mohd. 2. Telsin Ali Khan 3. Kunwar Nasir hat Ali Khan. Mohd. Abbas Hebat Shah. Kunwar Nasirhat Ali Khan.	698 2 0	..	10 8	
41. Waqf Kunwar Ahmad Ali Khan.	Mustafa Hussain	2,382 11 1			
42. Masjid Imam Bara, Shauganj.	3,611 9 1				
43. Haji Mir Niaz Ali.	8,404 12 10				
44. Waqf Mir Aulad Ali.	Aley Mohammad ..	92 15 1	..	28.60 acres. 7.22 " 13.48 "	

APPENDIX C—(concluded).

Description of waqf.	Name of the mutawalli.	Annual income.	Value of the property.	Area.	Date of the foundation of the waqf.	The name of the founder.	Object of the waqf.	The remuneration of the mutawalli.	Remarks.
		3	4	5	6	7	8	9	
1	2	Rs. a. p.	Big. bis.						10
46. Anjuman Islamiya, Muttra.	1. Ghazi Khan .. 2. Intsam Ali. 3. Zaka Ullah. 4. M. Abdul Karim.	223 0 0							
47. Jumma Masjid, Muttra.	Mohd. Amir and others.	1,400 0 0							
48. Masjid Nib Darwaza, Agra.	Rajjab Dholu ..	60 0 0							
49. Masjid Uatra Nil, Agra.	Allah Bux Chaudhry	464 1 9							
50. Masjid Ghatia Asam Khan	1. Haji Rashid Ahmad. 2. Hakim Abdul Sattar.	239 8 0							
51. Masjid Kaserat Bazar, Agra.	3. Alim Uddin. 4. Ikram Uddin.	731 8 0							
52. Qasriyatim Khan Islamiya, Agra.	Alim Uddin ..	1,803 11 3							
53. Haveli Khosja, Agra.	Qazi Rahmat Ali ..	350 0 0							
	1. Qadir Bux ..								

53. Masjid Darzi Para, Agra.	2. Hussain Bux. 3. Amir Bux. 4. Amam Bux. 1. Ahmad Hussain. 2. Irsbad Hussain. 3. Abdul Rahman. 4. Abdul Karim.	21 0 0
54. Masjid Yequb Khan, Hing-ki- Mandi, Agra.	1. Ahmad Hussain. 2. Navni Khan. 3. Rabat Ali .. 4. Irsbad Hussain. 5. Umar Daraz Khan.	63 0 0
55. Masjid Khurd Sabun, Katra, Agra.	1. Niaz Ali. 2. Mushayat Khan 3. Ali Bux 4. Falyaz Ali.	108 15 9

APPENDIX D.

(See page 622 *supra*.)

Report referred to in the answer to starred question No. 39 for April 8, 1926.

The actual facts are that for a month preceding the Muharram of 1925, the District Magistrate of Etah was receiving petitions and telegrams from the Muhammadans of Aliganj, to the effect that a Hindu widow of Aliganj was running up a new temple on the line of the procession of the tazias, and that masons were working day and night to complete the structure before the Muharram. The matter was obviously urgent and construction was stopped by order of the court of the Sub-Divisional Magistrate under section 133, Criminal Procedure Code, and it was settled in a section 107, Criminal Procedure Code, case that the matter should be disposed of finally by the district magistrate in person after local inquiry. The district magistrate proceeded to Aliganj in the course of his cold weather tour in December, 1925, and visited the locality, and ascertained the following facts:—

- (i) that the so-called temple was incomplete and possessed no sort of sanctity;
- (ii) that it was being erected on the *patti* of a public road, and in point of fact on one of the two main thoroughfares of Aliganj, absolutely on the line of march of the tazias;
- (iii) that the principal mosque in Aliganj was not more than 100 yards or so further down the same road;
- (iv) that the situation of the unfinished temple under a peepal and pakur tree obviously rendered it a rallying point for Hindus in time of religious excitement;
- (v) in fact the district magistrate came to the conclusion that the continued existence of the unfinished temple would be a standing provocation to a riot, and the entire structure down to the plinth was dismantled in his presence, and the material has, it is understood, been removed by the Hindu widow aforesaid. Moreover, the whole of the operation produced not the faintest local excitement and did not even collect a crowd and no protest was made.

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